

**West Virginia Legislature**  
**Joint Committee on Pensions and Retirement**  
**2013 - 2014 Interims**  
**FINAL REPORT OF**

**THE JOINT COMMITTEE**  
**ON LABOR AND WORKER SAFETY**

**TO THE JOINT COMMITTEE ON GOVERNMENT AND FINANCE**  
**January 3, 2014**

During the 2013-2014 legislative interim period, was assigned the interim study of the following topics:

- Safety training programs for non-mining industries
- Buy American Act
- Safety Concerns in Correctional Facilities and Regional Jails
- Workplace rehabilitation programs/drug free work place
- Retention and Advancement initiatives for public employees

I. Study of the “West Virginia Buy American Act” which mandates the use of American manufactured goods in public works contracts. The Committee received testimony from:

David Tincher, West Virginia Department of Administration, Division of Purchasing

Lou Delatorre, Alliance of American Manufacturing

Michael Clowser, West Virginia Association of Contractors

The Committee also received testimony from members of the Buy American Task Force and Donna Lipscomb, Department of Administration regarding the Task Force’s efforts in 2112 in crafting an acceptable “Buy American” proposal.

The Committee considered two pieces of legislation: The first bill established a program within the Department of Labor of American made goods to be published and used for state construction contracts. The second bill requires that American made goods be bought whenever

available for any state purchase, with exceptions when costs or availability made them impractical.

Neither bill was acted on by the committee.

**II. Study of regional jail and correctional employees safety issues.** The Committee Received testimony from:

Elaine Harris, Communications Workers of America;

Joe Delong, Executive Director of the Regional Jail Authority;

Jim Rubenstien, Commissioner of the Department of Corrections.

The presenters addressed correctional officer safety issues, including insufficient staffing concerns. Mr Delong and Mr. Rubenstien presented testimony on efforts underway in their agencies to address staffing and training issues. Ms. Harris presented a study on Post Traumatic Stress Disorder in correctional officers.

**III. Study of worker drug testing and rehabilitation programs.** The Committee Received testimony from:

Lynn Wade, Administrator, Labor Education and Development (LEAD)

Letha Haas, Program Administrator, TOP Drug and Safety Program

These two presenters represented two state organizations that were created with the cooperation of state contractors and labor organizations, that among other duties, administer drug screening programs for union employees. The two programs are funded by state contractors and operated by the presenter's organizations to address drug abuse by workers.

**IV. Worker safety training requirements at construction projects.** The committee received testimony from:

Steve White, Affiliated Construction Trades

Mike Clowser, Contractors Association of West Virginia

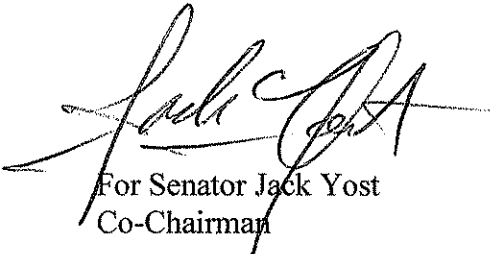
The Committee considered legislation establishing 10 hour minimum OSHA training requirements for persons working at non-residential construction sites. Committee Action: A bill was presented to the Committee establishing the 10 hour minimum training requirement but was not acted on by the committee.

V. Promoting Retention of Public Employees:


Kris Mallory, AFSCME discuss ideas to promote retention of state employees.

Mr. Mallory presented testimony on efforts that have been made to establish employee participation committees within West Virginia state government. Mr. White discussed the pilot program established by executive order under former Governor Manchin and the benefits of proving greater communication between employees and supervisors..

Respectfully Submitted,



For Senator Jack Yost  
Co-Chairman



Delegate Daniel Poling  
Co-Chairman