



House of Representatives

General Assembly

File No. 580

February Session, 2006

Substitute House Bill No. 5034

House of Representatives, April 20, 2006

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CONSTRUCTION SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) Each contract entered
2 into on or after July 1, 2007, for the construction, remodeling,
3 refinishing, refurbishing, rehabilitation, alteration or repair of any
4 public building project by the state or any of its agents, or by any
5 political subdivision of the state or any of its agents, where the total
6 cost of all work to be performed by all contractors and subcontractors
7 in connection with the contract is at least one hundred thousand
8 dollars, shall contain a provision requiring that, not later than thirty
9 days after the date such contract is awarded, each contractor furnish
10 proof to the Labor Commissioner that all employees performing
11 manual labor on or in such public building, pursuant to such contract,
12 have completed a course of at least ten hours in duration in
13 construction safety and health approved by the federal Occupational
14 Safety and Health Administration or, in the case of

15 telecommunications employees, have completed at least ten hours of
16 training in accordance with 29 CFR 1910.268.

17 (b) Any employee required to complete a construction safety and
18 health course required under subsection (a) of this section who has not
19 completed the course shall be subject to removal from the worksite if
20 the employee does not provide documentation of having completed
21 such course by the fifteenth day after the date the employee is found to
22 be in noncompliance. The Labor Commissioner or said commissioner's
23 designee shall enforce this section.

24 (c) Not later than January 1, 2007, the Labor Commissioner shall
25 adopt regulations, in accordance with the provisions of chapter 54 of
26 the general statutes, to implement the provisions of subsections (a) and
27 (b) of this section. Such regulations shall require that the ten-hour
28 construction safety and health courses required under subsection (a) of
29 this section be conducted in accordance with federal Occupational
30 Safety and Health Administration Training Institute standards, or in
31 accordance with 29 CFR 1910.268, as appropriate. The Labor
32 Commissioner shall accept as sufficient proof of compliance with the
33 provisions of subsection (a) or (b) of this section a student course
34 completion card issued by the federal Occupational Safety and Health
35 Administration Training Institute, or such other proof of compliance
36 said commissioner deems appropriate, dated no earlier than five years
37 before the commencement date of such public works project.

38 (d) For the purposes of this section, "public building" means a
39 structure, paid for in whole with state funds, within a roof and within
40 exterior walls or fire walls, designed for the housing, shelter, enclosure
41 and support or employment of people, animals or property of any
42 kind, including, but not limited to, sewage treatment plants and water
43 treatment plants. "Public building" does not include site work, roads or
44 bridges, rail lines, parking lots or underground water, sewer or
45 drainage systems including pump houses or other utility systems.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Labor Dept.	GF - Cost	None	Less than \$75,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires that all workers on state and municipal public works construction projects of \$100,000 or more complete a 10-hour construction and training safety course approved by the federal Occupational Safety and Health Administration (OSHA), or in the case of telecommunications work, they must complete 10 hours in federal OSHA telecommunications safety training. Employees found on a worksite who have not completed the course will be removed from the worksite if proof is not provided within 15 days after the worker was found to be noncompliant. The Labor Commissioner must accept as proof of complying with this requirement a course completion card, good for five years, issued by the federal OSHA training institute.

The Labor Department would need to configure a computer tracking system and hire a 1/2 time Special Investigator to administer the workload increase with respect to the administration of this new responsibility. Since the provisions of the bill relate to contracts entered into after July 1, 2007, the fiscal impact would begin in FY 08.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation.

OLR Bill Analysis

sHB 5034

AN ACT CONCERNING CONSTRUCTION SAFETY.

SUMMARY:

This bill requires all state or municipal contracts of \$100,000 or more for the construction or repair of a fully state-financed public building to require that the contractor prove that all its employees performing manual labor or telecommunications work have completed safety training. Manual laborers must complete a 10-hour construction safety course conducted in accordance with federal Occupational Safety and Health Administration (OSHA) Training Institute standards. Telecommunications workers must complete 10 hours in federal OSHA telecommunications safety training. Proof of course or training completion must be submitted to the labor commissioner within 30 days after the contract is awarded.

The bill requires the Labor Department to remove from the construction worksite any employee required to complete a construction safety course if he does not have proof of course completion, unless he provides proof within 15 days after he was found in noncompliance. The bill requires the labor commissioner to accept an OSHA Training Institute-issued student course completion card or other such proof that he deems appropriate. Course completion cards are valid for five years.

The bill does not provide a similar enforcement procedure for telecommunications workers who are found without proof of safety training.

The bill defines “public building” as a structure, funded entirely by the state, with a roof and exterior or fire walls designed for housing, shelter, enclosure, and support or employment of people, animals, or

property of any kind, including sewage-treatment and water-treatment plants. It does not include site work; roads or bridges; rail lines; parking lots; or underground water, sewer, or drainage systems including pump houses or other utility systems.

The bill applies to contracts entered into on or after July 1, 2007 by the state and any of its political subdivisions, which includes quasi-public agencies. It requires the labor commissioner to adopt the necessary regulations by January 1, 2007.

EFFECTIVE DATE: October 1, 2006

BACKGROUND

Federal Telecommunications Safety Training

Federal regulations require employers to provide safety training for telecommunications workers working in the field or at phone centers and prohibits workers from performing such work until they receive the training (29 CFR 1910.268).

Legislative History

The House referred the bill (File 169) to the Planning and Development Committee, which reported the substitute that imposes the safety training requirement only on projects where the public building is entirely funded by the state.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Change of Reference
Yea 12 Nay 0 (02/23/2006)

Government Administration and Elections Committee

Joint Favorable
Yea 14 Nay 5 (03/14/2006)

Planning and Development Committee

Joint Favorable Substitute

Yea 12 Nay 3 (04/11/2006)