



# House of Representatives

General Assembly

**File No. 297**

February Session, 2008

Substitute House Bill No. 5537

*House of Representatives, March 31, 2008*

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th 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. Section 31-53b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Each contract for a public works project entered into on or after  
4 July 1, [2007, for the construction, remodeling, refinishing,  
5 refurbishing, rehabilitation, alteration or repair of any public building  
6 project] 2008, by the state or any of its agents, or by any political  
7 subdivision of the state or any of its agents, where the total cost of all  
8 work to be performed by all contractors and subcontractors in  
9 connection with the contract is at least one hundred thousand dollars,  
10 shall contain a provision requiring that, [not later than thirty days after  
11 the date such contract is awarded,] each contractor furnish proof with  
12 the weekly certified payroll form for the first week each employee  
13 begins work on such project to the Labor Commissioner that [all  
14 employees performing manual labor] any person performing the work

15 of a mechanic, laborer or worker on [or in] such public [building]  
16 works project, pursuant to such contract, [have] has completed a  
17 course of at least ten hours in duration in construction safety and  
18 health approved by the federal Occupational Safety and Health  
19 Administration or, has completed a new miner training program  
20 approved by the Federal Mine Safety and Health Administration in  
21 accordance with 30 CFR 48 or, in the case of telecommunications  
22 employees, [have] has completed at least ten hours of training in  
23 accordance with 29 CFR 1910.268.

24 (b) Any [employee] person required to complete a [construction  
25 safety and health course required] course or program under subsection  
26 (a) of this section who has not completed the course or program shall  
27 be subject to removal from the worksite if the [employee] person does  
28 not provide documentation of having completed such course or  
29 program by the fifteenth day after the date the [employee] person is  
30 found to be in noncompliance. The Labor Commissioner or said  
31 commissioner's designee shall enforce this section.

32 (c) Not later than January 1, [2007] 2009, the Labor Commissioner  
33 shall adopt regulations, in accordance with the provisions of chapter  
34 54, to implement the provisions of subsections (a) and (b) of this  
35 section. Such regulations shall require that the ten-hour construction  
36 safety and health courses required under subsection (a) of this section  
37 be conducted in accordance with federal Occupational Safety and  
38 Health Administration Training Institute standards, or in accordance  
39 with Federal Mine Safety and Health Administration Standards or in  
40 accordance with 29 CFR 1910.268, as appropriate. The Labor  
41 Commissioner shall accept as sufficient proof of compliance with the  
42 provisions of subsection (a) or (b) of this section a student course  
43 completion card issued by the federal Occupational Safety and Health  
44 Administration Training Institute, or such other proof of compliance  
45 said commissioner deems appropriate, dated no earlier than five years  
46 before the commencement date of such public works project.

47 [(d) For the purposes of this section, "public building" means a

48 structure, paid for in whole or in part with state funds, within a roof  
 49 and within exterior walls or fire walls, designed for the housing,  
 50 shelter, enclosure and support or employment of people, animals or  
 51 property of any kind, including, but not limited to, sewage treatment  
 52 plants and water treatment plants. "Public building" does not include  
 53 site work, roads or bridges, rail lines, parking lots or underground  
 54 water, sewer or drainage systems including pump houses or other  
 55 utility systems.]

56 (d) This section shall not apply to employees of public service  
 57 companies, as defined in section 16-1 of the 2008 supplement to the  
 58 general statutes, or drivers of commercial motor vehicles driving the  
 59 vehicle on the public works project and delivering or picking up cargo  
 60 from public works projects provided they perform no labor relating to  
 61 the project other than the loading and unloading of their cargo.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	31-53b

**LAB**      *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 chamber thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill expands construction safety training requirements to any public works project of \$100,000 or more and has no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

**sHB 5537**

***AN ACT CONCERNING CONSTRUCTION SAFETY.***

**SUMMARY:**

Under current law, all employees performing manual labor on state or municipal building construction or repair contracts of \$100,000 or more must prove they have completed a 10-hour construction safety and health course that meets federal Occupational Safety and Health Administration (OSHA) Training Institute standards. This bill expands the construction safety training requirement to any public works project of \$100,000 or more. This includes sewage and water treatment plants, site work, road and bridge work, parking lots, drainage systems, and other public projects.

The bill specifies that any person performing the work of a mechanic, laborer or worker must complete the safety training course rather than, as under current law, any employee performing manual labor.

It allows a person performing such work to complete a new Federal Mine Safety and Health Administration training program, conducted in accordance with federal regulations, instead of the 10-hour OSHA course.

The proof required by law is an OSHA institute-issued course completion card or other proof the labor commissioner deems appropriate. Current law requires the proof of training to be submitted no later than 30 days after the date the contract is awarded. Instead, the bill requires proof to accompany the first certified payroll for the first week that each employee begins work on the project.

The bill also creates training requirement exceptions for employees of public service companies and commercial vehicle drivers who either pick up at or deliver cargo to public work projects.

It requires the labor commissioner to adopt implementing regulations no later than January 1, 2009.

EFFECTIVE DATE: October 1, 2008

**EXCEPTIONS**

The safety training requirements do not apply to employees of public service companies, which are defined in statute to include electric, electric distribution, gas, telephone, telegraph, pipeline, sewage, and water companies, and cable franchise holders, and railroad companies.

The bill also exempts commercial vehicle drivers driving on a public works project and delivering or picking up cargo from the site as long as the only labor they perform on-site is loading and unloading the cargo.

**BACKGROUND**

***Training and Retraining of Miners (30 CFR 48)***

Federal regulation requires all new miners to complete at least 40 hours of training. The regulations set standards and requirements for the training and require all firms that operate mines to have a training program that meets the federal standards.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 0 (03/13/2008)