



House of Representatives

File No. 745

General Assembly

February Session, 2008 **(Reprint of File No. 297)**

Substitute House Bill No. 5537
As Amended by House Amendment Schedule
"A"

Approved by the Legislative Commissioner
April 28, 2008

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 Section 31-53b of the general statutes is repealed and the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 January 1, 2009*):

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] 2009, 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 described in subsection (g) of section 31-53, shall contain a provision
11 requiring that [, not later than thirty days after the date such contract is
12 awarded,] each contractor furnish proof [to the Labor Commissioner
13 that all employees performing manual labor] with the weekly certified
14 payroll form for the first week each employee begins work on such
15 project that any person performing the work of a mechanic, laborer or

16 worker pursuant to the classifications of labor under section 31-53 on
17 [or in] such public [building] works project, pursuant to such contract,
18 [have] has completed a course of at least ten hours in duration in
19 construction safety and health approved by the federal Occupational
20 Safety and Health Administration or, has completed a new miner
21 training program approved by the Federal Mine Safety and Health
22 Administration in accordance with 30 CFR 48 or, in the case of
23 telecommunications employees, [have] has completed at least ten
24 hours of training in accordance with 29 CFR 1910.268.

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

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

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

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

57 (d) This section shall not apply to employees of public service
 58 companies, as defined in section 16-1 of the 2008 supplement to the
 59 general statutes, or drivers of commercial motor vehicles driving the
 60 vehicle on the public works project and delivering or picking up cargo
 61 from public works projects provided they perform no labor relating to
 62 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

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:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which expands construction safety training requirements to specific public works projects and exempts certain workers, has no fiscal impact.

House "A," which extends the effective date from 2008 to 2009, and exempts certain workers, has no fiscal impact.

OLR Bill Analysis**sHB 5537 (as amended by House "A")******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 makes several changes to this law, which affect contracts entered into on or after July 1, 2009.

First, it expands the construction safety training requirement to any public works project, which includes sewage and water treatment plants, site work, road and bridge work, parking lots, drainage systems, and other public projects.

Second, instead of applying the training requirement to all projects of \$100,000 or more, the bill applies the existing prevailing wage project thresholds to the training requirement. This means the requirement kicks in for (1) repair and renovation projects of \$100,000 or more and (2) new construction projects of \$400,000 or more.

Furthermore, it removes the requirement that the proof of the training be sent to the labor commissioner. Presumably, the proof will be sent to the contracting agency paying for the prevailing wage project.

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 by January 1, 2009. By law, regulations cannot take effect before the effective date of the act authorizing them.

*House Amendment "A" makes the training requirement apply only to prevailing wage projects, removes the labor commissioner as the party receiving proof of safety training, and changes the effective date to January 1, 2009.

EFFECTIVE DATE: January 1, 2009

COVERED EMPLOYEES

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.

MINE SAFETY TRAINING SUBSTITUTE

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.

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; cable franchise holders; and railroad companies.

The bill also exempts commercial vehicle drivers delivering or picking up cargo from a public works project 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 regulations require 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.

Prevailing Wage Law

State prevailing wage law requires that contractors pay what is determined to be the prevailing wage for an area to employees and subcontractors employed on state and municipal public works contracts. The state labor department is charged with enforcing this law. (There is a separate federal prevailing wage law that applies to federal projects.)

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute
Yea 9 Nay 0 (03/13/2008)

General Law Committee

Joint Favorable
Yea 17 Nay 0 (04/15/2008)