

Legislative Regulation Review Committee

2009-017

Insurance Department

**CONSTRUCTION & SAFETY & HEALTH
COURSES FOR CERTAIN EMPLOYEES IN
PUBLIC WORKS PROJECTS**

REGULATIONS OF CONNECTICUT STATE AGENCIES
DEPARTMENT OF LABOR
CONSTRUCTION SAFETY

Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 31-53b-1 to 31-53b-6, inclusive, as follows:

(NEW) §31-53b-1. Definitions.

As used in sections 31-53b-1 through 31-53b-6, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Certified payroll" means a certified payroll pursuant to section 31-53(f) of the Connecticut General Statutes;
- (2) "Completion document" means a card, document, certificate or other written record issued by the federal Occupational Safety and Health Administration, or by the Federal Mine Safety and Health Administration in accordance with 30 CFR 48, or in the case of telecommunications employees, in accordance with 29 CFR 1910.268, evidencing that a person subject to these regulations has completed a construction safety and health course, program or training;
- (3) "Construction safety and health course, program or training" means a course, program or training in construction safety or health of at least ten hours duration approved by the federal Occupational Safety and Health Administration, or a new miner training program approved by the Federal Mine Safety and Health Administration in accordance with 30 CFR 48 or, in the case of telecommunications employees, at least ten hours of training in accordance with 29 CFR 1910.268;
- (4) "Contract" means a written contract on a public works project, or amendment to any such contract, entered into on or after July 1, 2009, between the State of Connecticut or any of its agents, or by any political subdivision of the state or any of its agents to which subsection (g) of section 31-53 of the Connecticut General Statutes applies;
- (5) "Department" means the Connecticut Department of Labor, whose address is 200 Folly Brook Boulevard, Wethersfield, CT 06109;
- (6) "Employee" means "employee" as defined in section 31-71a(2) of the Connecticut General Statutes;
- (7) "Employer" means "employer" as defined in section 31-71a(1) of the Connecticut General Statutes;
- (8) "Labor Commissioner" means the Commissioner of the Connecticut Department of Labor;
- (9) "Mechanic," "laborer," or "worker" means any individual engaged in the duties of a mechanic, laborer or worker, pursuant to the classifications of labor under Section 31-53 of the Connecticut General Statutes, but does not mean an employee of a public service company, as defined in section 16-1 of the Connecticut General Statutes, or drivers of commercial motor vehicles driving such vehicles on public works projects and delivering or picking up cargo from such projects, provided that such drivers perform no labor relating to the projects other than the loading and the unloading of their cargo;

(10) "Public works project" means a public works project to which subsection (g) of section 31-53 of the Connecticut General Statutes applies.

(NEW) §31-53b-2. Construction Safety Course, Program or Training

(a) Any person performing the duties of a mechanic, laborer or worker on a public works project shall be required, as a condition of performing such work, to demonstrate compliance with section 31-53b of the Connecticut General Statutes by having completed a construction safety and health course, program or training, as appropriate.

(b) Proof of course, program or training completion shall be demonstrated through the presentation of a course, program or training completion document.

(c) For purposes of these regulations, any completion document with an issuance date more than five years prior to the commencement date of such public works project shall not constitute compliance with section 31-53b of the Connecticut General Statutes and this section.

(NEW) §31-53b-3. Contractor Responsibility

Each contractor subject to section 31-53b of the Connecticut General Statutes shall furnish proof, as provided in subsection (b) of section 31-53b-2 of these Regulations, with the weekly certified payroll form for the first week that each person who performs the duties of a mechanic, laborer or worker begins work on the public works project.

(NEW) §31-53b-4. Certified Payroll.

For each person who performs the duties of a mechanic, laborer or worker on a public works project subject to section 31-53 of the Connecticut General Statutes, the employer shall affix a copy of the construction safety course, program or training completion document to the certified payroll required to be submitted to the contracting agency for such project on which such employee's name first appears.

(NEW) §31-53b-5. Investigation and Enforcement.

For purposes of determining compliance with Section 31-53b of the Connecticut General Statutes, the Labor Commissioner or any authorized representative of the commissioner may invoke the power and authority set forth in Title 31 of the Connecticut General Statutes.

(NEW) §31-53b-6. Penalty.

Notwithstanding subsection (a) of section 31-53b-2 of these regulations, any person performing the duties of a mechanic, laborer or worker on a public works project without proof of course, program or training completion as provided in section 31-53b-2 of these Regulations shall be subject to removal from the worksite if such person does not provide such proof to the Labor Commissioner by the fifteenth day after the date the employee is determined to be in noncompliance with these regulations. Any such person who is determined to be in noncompliance with these regulations may continue to work on a public works project for a maximum of fourteen consecutive calendar days while bringing his status into compliance.

STATEMENT OF PURPOSE: These proposed amendments to the Regulations of Connecticut State Agencies implement the provisions of Public Act No. 08-83, An Act Concerning Construction Safety. The regulations outline the required safety and health course, program or training required to be completed by persons performing the duties of a mechanic, laborer or worker on a public works project, and the penalties associated with non-compliance with the statute, including but not limited to, the person's removal from the worksite.

01/27/09

CERTIFICATION

R-39 REV. 1/77

Be it known that the foregoing:

 / Regulations Emergency Regulations

Are:

 / Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

 Section 31-250 of the General Statutes.

 / Section 31-60 of the General Statutes.

 / Section 4-166 of the General Statutes.

 / Section 4-167 of the General Statutes.

 / Section 31-53b of the General Statutes.

After publication in the Connecticut Law Journal on September 16, 2008, of the notice of the proposal to:

 / Adopt Amend Repeal such regulations

(If applicable): / And the holding of an advertised public hearing on the 9th day of October, 2008.

WHEREFORE, the foregoing regulations are hereby:

 / Adopted Amended as hereinabove stated Repealed

Effective:

 / When filed with the Secretary of the State.

(OR)

 The day of 2009.

In Witness Whereof: | Date | Signed (Head of Board, Agency or Commission) | Official Title, Duly Authorized

2-10-09

Patricia H. Mayfield

Labor Commissioner

Approved by the Attorney General as to legal sufficiency in accordance with § 4-169, as amended, C.G.S.

William B. ...

Signed | Official Title, Duly Authorized

2/18/09
SEC. ATTY. GENERAL

 Approved

 Disapproved

 Disapproved in part, (Indicate Section Numbers disapproved only)

 Rejected without prejudice

By the Legislative Regulation Review Committee in accordance with § 4-170, as amended, of the General Statutes

Date | Signed (Clerk of the Legislative Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

Date

|Signed (Secretary of the State)

|By

Instructions

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.