

1 *Be it enacted by the Legislature of West Virginia:*

2 That the Code of West Virginia, 1931, as amended, be amended
3 by adding thereto a new section, designated §21-3-22, to read as
4 follows:

5 **ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.**

6 **§21-3-22. OSHA construction safety program.**

7 (a) No person or other business entity providing services as
8 a contractor or subcontractor under a contract, entered on or after
9 July 1, 2014, for the construction, reconstruction, alteration,
10 remodeling or repairs at a single work site, where the total
11 contract cost of all work to be performed by all contractors and
12 subcontractors is \$50,000 or more, shall use, employ, or assign any
13 person to work at the work site who has not successfully completed
14 a ten-hour construction safety program designed by the United
15 States Occupational Safety and Health Administration (OSHA) within
16 ten days of employment at the work site: *Provided, That* this
17 training requirement does not apply to any contracts for
18 construction, reconstruction, alteration, remodeling or repairs of
19 any single unit family home or any multifamily units two stories or
20 less in height: *Provided, however,* That for the first year of the
21 effective date of this section enacted during the Regular Session
22 of the Legislature, 2014, completion of the ten-hour construction
23 safety program shall occur within ninety days of employment at the

1 work site.

2 (b) Every contractor and subcontractor providing services
3 shall make and maintain records of the persons he or she employs
4 pursuant to the contract and, for each employee, the date of the
5 employee's completion of the safety training program and the
6 identity of the provider of the training. These records shall be
7 preserved pursuant to the provisions of section five, article
8 five-c of this chapter and shall be maintained at the employer's
9 business office.

10 (c) If the Commissioner of Labor or his or her designee finds
11 a person who has not completed the OSHA safety training at a work
12 site in violation of this section, the commissioner may issue a
13 notice for that person to cease and desist in performing work at
14 the site until the person has completed the training program.

15 (d) The Commissioner of Labor may assess a a civil penalty of
16 not less than \$100 nor more than \$1,000 to any person or business
17 entity who violates subsection (a) or (b) of this section for each
18 violation.

19 (e) Any person who, with knowledge that a document or other
20 record falsely represents that a person has completed the training
21 program identified in this section, provides or exhibits the
22 document or record to the Commissioner of Labor or to his or her
23 designee or to an employer, shall be guilty of a misdemeanor and,

1 upon conviction thereof, shall be fined not less than \$250 nor more
2 than \$2,500, or confined in jail for not less than one nor more
3 than thirty days, or both fined and confined.

4 (f) The following individuals are exempt from the training
5 requirements of this section:

6 (1) Law-enforcement officers involved with traffic control or
7 job site security;

8 (2) Federal, state and municipal government employees and
9 inspectors; and

10 (3) Suppliers whose sole responsibility is to deliver
11 materials to the work site and other delivery personnel.

12 (g) The Commissioner of Labor shall report to the Joint
13 Committee on Government and Finance by January 1, 2017, on accident
14 and injury rates at affected construction sites the two years prior
15 and following implementation of this section, as enacted during the
16 Regular Session of the Legislature, 2014.

NOTE: The purpose of this bill is to require onsite employees
at certain works construction projects to complete an Occupational
Safety and Health Administration (OSHA) approved ten-hour
construction safety program.

This section is new; therefore, strike-throughs and
underscoring have been omitted.