

HOUSE No. 1812

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr., George N. Peterson, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to provide a safe workplace for employees of the Commonwealth and its political subdivisions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3797 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROVIDE A SAFE WORKPLACE FOR EMPLOYEES OF THE COMMONWEALTH
AND ITS POLITICAL SUBDIVISIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Chapter 149 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting, after section 40, a new section 40A as follows:

3 (a) Notwithstanding any general or special law to the contrary, the division of occupational
4 safety shall apply federal occupational and health standards applicable to private sector
5 employees to employees of the commonwealth and its political subdivisions. Such standards
6 shall include all statutory and regulatory requirements enforced by the Occupational Safety and
7 Health Administration with respect to private sector employees, including, without limiting the
8 generality of the foregoing, the general duty clause.

9 Nothing herein shall affect any state standard that exceeds the standards applied by the
10 Occupational Health and Safety Administration.

11 (b) The division shall have authority to conduct investigations. The commissioner shall have
12 authority to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses
13 and the production of documents.

14 (c) The commissioner of the division may promulgate regulations and may issue corrective
15 orders when a violation of this section or regulations promulgated hereunder is found.
16 Proceedings concerning the issuance of regulations or corrective orders to public officials shall
17 be adjudicatory proceedings pursuant to chapter 30A and shall be subject to judicial review
18 accordingly.

19 (d) With respect to the exercise of its responsibilities under this section, the division shall be
20 within the department of labor but not subject to its direction and control.

21 (e) The effective date of this section with respect to cities and towns shall be subject to the
22 provisions of section 27C of chapter 29 of the General Laws.