

HOUSE No. 02872

The Commonwealth of Massachusetts

PRESENTED BY:

John P. Fresolo

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

.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

John P. Fresolo

16th Worcester

Angelo J. Puppolo, Jr.

12th Hampden

HOUSE No. 02872

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 2872) of Puppolo and Fresolo for legislation to provide a safe workplace for employees of the Commonwealth, its independent authorities and and its political sub-divisions Joint Committee on Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
 SENATE
 , NO. 710 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to provide a safe workplace for employees of the Commonwealth

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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 is hereby amended by inserting a new section 40
- 2 as follows:-
- 3 Notwithstanding any general or special law to the contrary, the division of occupational safety
- 4 shall apply federal occupational and health standards applicable to private sector employees as
- 5 minimum standards to employees of the Commonwealth, its independent authorities and other
- 6 political subdivisions. Such standards shall include all statutory and regulatory requirements
- 7 enforced by the occupational safety and health administration with respect to private sector

8 employees, including, without limiting the 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 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/or the production of documents.

14 The commissioner of the division may promulgate regulations and may issue corrective orders

15 where he has found a violation of this section or regulations promulgated hereunder. Proceedings

16 concerning the issuance of regulations or corrective orders to public officials shall be

17 adjudicatory proceedings pursuant to chapter 30A and shall be subject to judicial review

18 accordingly.

19 With respect to the exercise of its responsibilities under this section, the division shall be within

20 the department of labor but not subject to its direction and control.

21 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.

23 Provisions of this act shall not apply to the fire service of the Commonwealth, its independent

24 authorities or other political subdivisions.