

HOUSE No. 1733

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, 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 adoption 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:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Donald Humason</i>	
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>

HOUSE No. 1733

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1733) of Bradley H. Jones, Jr., and others for legislation to provide a safe workplace for employees of the Commonwealth and its political sub-divisions. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2297 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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

3 SECTION 1. Chapter 149 of the General Laws, as appearing in the 2010 Official Edition,
4 is hereby amended by inserting, after section 40, the following section:-

5 SECTION 40A. (a) Notwithstanding any general or special law to the contrary, the
6 division of occupational safety shall apply federal occupational and health standards applicable
7 to private sector employees to employees of the commonwealth and its political subdivisions.
8 Such standards shall include all statutory and regulatory requirements enforced by the
9 Occupational Safety and Health Administration with respect to private sector employees,
10 including, without limiting the generality of the foregoing, the general duty clause.

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

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

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

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

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