HOUSE DOCKET, NO. 2252 FILED ON: 1/20/2011

HOUSE . . . . . No. 2297

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:
Bradley H. Jones, Jr.	*20th Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
Geoff Diehl	*7th Plymouth*
F. Jay Barrows	*1st Bristol*
Richard Bastien	*2nd Worcester*
Donald H. Wong	*9th Essex*
Todd M. Smola	*1st Hampden*
Sheila C. Harrington	*1st Middlesex*
Paul K. Frost	*7th Worcester*
George N. Peterson, Jr.	*9th Worcester*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

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By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2297) of Bradley H. Jones, Jr. and others 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. *1812* 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 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:

SECTION 1. Chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 40, a new section 40A as follows:

(a) Notwithstanding any general or special law to the contrary, the division of occupational safety shall apply federal occupational and health standards applicable to private sector employees to employees of the commonwealth and its political subdivisions. Such standards shall include all statutory and regulatory requirements enforced by the Occupational Safety and Health Administration with respect to private sector 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 (b) The division shall have authority to conduct investigations. The commissioner shall
12 have authority to issue subpoenas and subpoenas duces tecum to compel the attendance of
13 witnesses and the production of documents.

14 (c) The commissioner of the division may promulgate regulations and may issue
15 corrective 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
20 be 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
22 the provisions of section 27C of chapter 29 of the General Laws.