

1 S.136

2 Introduced by Senator Pearson

3 Referred to Committee on

4 Date:

5 Subject: Public property and supplies; Department of Buildings and General  
6 Services; State construction projects; safety training

7 Statement of purpose of bill as introduced: This bill proposes to require  
8 construction workers to take a 10-hour OSHA-approved safety course prior to  
9 working on a State construction project.

10 An act relating to requiring safety training for State construction projects

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 29 V.S.A. § 161 is amended to read:

13 § 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

14 \* \* \*

15 (d)(1) The contract for each State construction project shall provide that all  
16 construction employees working on the project shall, prior to beginning work  
17 on the project, complete the U.S. Department of Labor, Occupational Safety  
18 and Health Administration Outreach Training Program for the Construction  
19 Industry of at least 10 hours or a similar training program approved by the  
20 Occupational Safety and Health Administration.

1           (2) An employer that fails to comply with the requirements of  
2           subdivision (1) of this subsection (d) shall be subject to an administrative  
3           penalty of \$2,500.00 plus \$100.00 per employee who has not completed the  
4           required training. The Commissioner may enforce collection of the penalties  
5           assessed under this subdivision in the Civil Division of the Superior Court.

6           (3) Any construction employee who has not completed the training  
7           required pursuant to subdivision (1) of this subsection (d) shall be subject to  
8           immediate removal from the worksite and shall not be permitted to resume  
9           working on the project until the employer provides the Commissioner of  
10           Buildings and General Services with documentation demonstrating that the  
11           construction employee has completed the required training.

12           (e) Subsections (a) through ~~(e)~~ (d) of this section shall not apply to  
13 maintenance or construction projects carried out by the Agency of  
14 Transportation and by the Department of Forests, Parks and Recreation.

15           ~~(e)~~(f) The Agency of Administration shall ensure that the State and any of  
16 its subdivisions do not contract, directly or indirectly, with employers who are  
17 prohibited from contracting by the Commissioner of Labor pursuant to  
18 21 V.S.A. §§ 692, 708, and 1314a or the Commissioner of Financial  
19 Regulation pursuant to 8 V.S.A. § 3661.

20           ~~(f)~~(g) The Agency of Administration shall maintain a current list of  
21 employers that have been prohibited from contracting with the State or any of

1 its subdivisions, and the Agencies of Administration and of Transportation  
2 shall publish that list on their websites.

3 Sec. 2. 19 V.S.A. § 10 is amended to read:

4 § 10. DUTIES

5 The Agency shall, except where otherwise specifically provided by law:

6 \* \* \*

7 (18)(A) Require any contractor or contractors employed in any project of  
8 the Agency for construction of a transportation improvement to ensure that all  
9 construction employees working on the project shall, prior to beginning work  
10 on the project, complete the U.S. Department of Labor, Occupational Safety  
11 and Health Administration Outreach Training Program for the Construction  
12 Industry of at least 10 hours or a similar training program approved by the  
13 Occupational Safety and Health Administration.

14 (B) A contractor that fails to comply with the requirements of  
15 subdivision (A) of this subdivision (18) shall be subject to an administrative  
16 penalty of \$2,500.00 plus \$100.00 per employee who has not completed the  
17 required training. The Secretary may enforce collection of the penalties  
18 assessed under this subdivision in the Civil Division of the Superior Court.

19 (C) Any construction employee who has not completed the training  
20 required pursuant to subdivision (A) of this subdivision (18) shall be subject to  
21 immediate removal from the worksite and shall not be permitted to resume

1 working on the project until the employer provides the Secretary with  
2 documentation demonstrating that the construction employee has completed  
3 the required training.

4 Sec. 3. 10 V.S.A. § 2603 is amended to read:

5 § 2603. POWERS AND DUTIES: COMMISSIONER

6 \* \* \*

7 (i)(1) The Commissioner shall require any contractor employed in relation  
8 to a construction or maintenance project to ensure that all construction  
9 employees working on the project shall, prior to beginning work on the project,  
10 complete the U.S. Department of Labor, Occupational Safety and Health  
11 Administration Outreach Training Program for the Construction Industry of at  
12 least 10 hours or a similar training program approved by the Occupational  
13 Safety and Health Administration.

14 (2) An employer that fails to comply with the requirements of  
15 subdivision (1) of this subsection (i) shall be subject to an administrative  
16 penalty of \$2,500.00 plus \$100.00 per employee who has not completed the  
17 required training. The Commissioner may enforce collection of the penalties  
18 assessed under this subdivision in the Civil Division of the Superior Court.

19 (3) Any construction employee who has not completed the training  
20 required pursuant to subdivision (1) of this subsection (i) shall be subject to  
21 immediate removal from the worksite and shall not be permitted to resume

1 working on the project until the employer provides the Commissioner with  
2 documentation demonstrating that the construction employee has completed  
3 the required training.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on July 1, 2021 and shall apply to contracts entered  
6 into after that date.