

REGULATIONS OF CONNECTICUT STATE AGENCIES
DEPARTMENT OF LABOR
CONSTRUCTION SAFETY

Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 31-53b-1 to 31-53b-5, inclusive, as follows:

(NEW) §31-53b-1. Definitions.

As used in sections 31-53b-1 through 31-53b-5, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Certified payroll” means a certified payroll required to be submitted to the contracting agency pursuant to section 31-53(f) of the Connecticut General Statutes;
- (2) “Completion document” means a card, document, certificate or other written record issued by the federal Occupational Safety and Health Administration, or by the Federal Mine Safety and Health Administration in accordance with 30 CFR 48, or in the case of telecommunications employees, in accordance with 29 CFR 1910.268, evidencing that a person subject to these regulations has completed a construction safety and health course, program or training;
- (3) “Construction safety and health course, program or training” means a course, program or training in construction safety or health of at least ten hours duration approved by the federal Occupational Safety and Health Administration, or a new miner training program approved by the Federal Mine Safety and Health Administration in accordance with 30 CFR 48 or, in the case of telecommunications employees, at least ten hours of training in accordance with 29 CFR 1910.268;
- (4) “Employee” means “employee” as defined in section 31-71a(2) of the Connecticut General Statutes;
- (5) “Labor Commissioner” means the Commissioner of the Connecticut Department of Labor;
- (6) “Mechanic,” “laborer,” or “worker” means any individual engaged in the duties of a mechanic, laborer or worker, pursuant to the classifications of labor under Section 31-53 of the Connecticut General Statutes, but does not mean an employee of a public service company, as defined in section 16-1 of the Connecticut General Statutes, or drivers of commercial motor vehicles driving such vehicles on public works projects and delivering or picking up cargo from such projects, provided that such drivers perform no labor relating to the projects other than the loading and the unloading of their cargo;
- (7) “Public works project” means a public works project to which subsection (g) of section 31-53 of the Connecticut General Statutes applies.

(NEW) §31-53b-2. Construction Safety Course, Program or Training

(a) Any person performing the duties of a mechanic, laborer or worker on a public works project shall be required, as a condition of performing such work, to demonstrate compliance with section 31-53b of the Connecticut General Statutes by having completed a construction safety and health course, program or training, as appropriate.

(b) Proof of course, program or training completion shall be demonstrated through the presentation of a course, program or training completion document.

(c) For purposes of these regulations, any completion document with an issuance date more than five years prior to the commencement date of such public works project shall not constitute compliance with section 31-53b of the Connecticut General Statutes and this section.

(NEW) §31-53b-3. Contractor Responsibility

Each contractor subject to section 31-53b of the Connecticut General Statutes shall furnish proof, as provided in subsection (b) of section 31-53b-2 of the Regulations of Connecticut State Agencies, with the weekly certified payroll form for the first week that each person who performs the duties of a mechanic, laborer or worker begins work on the public works project.

(NEW) §31-53b-4. Certified Payroll.

For each person who performs the duties of a mechanic, laborer or worker on a public works project subject to section 31-53 of the Connecticut General Statutes, the employer shall affix a copy of the construction safety course, program or training completion document to the certified payroll required to be submitted to the contracting agency for such project on which such employee's name first appears.

(NEW) §31-53b-5. Penalty.

Notwithstanding subsection (a) of section 31-53b-2 of the Regulations of Connecticut State Agencies, any person performing the duties of a mechanic, laborer or worker on a public works project without proof of course, program or training completion as provided in said section shall be subject to removal from the worksite if such person does not provide such proof to the Labor Commissioner by the fifteenth day after the date the employee is determined to be in noncompliance with these regulations. Any such person who is determined to be in noncompliance with these regulations may continue to work on a public works project for a maximum of fourteen consecutive calendar days while bringing his status into compliance.

STATEMENT OF PURPOSE: These proposed amendments to the Regulations of Connecticut State Agencies implement the provisions of Conn. Gen. Stat. §31-53b. These regulations are new, and will not change existing regulations. They address the broad concern that workers in the very dangerous construction industry be as safe as possible.

They require the completion of the appropriate training course or program for any individual who performs the duties of a mechanic, laborer or worker on a covered public works project within five years of the commencement date of the public works project. These regulations, pursuant to § 31-53b, do not apply to employees of public service companies, as defined in section 16-1 of the 2008 supplement to the general statutes, or drivers of commercial motor vehicles driving said vehicles on public works projects and delivering or picking up cargo from public works projects, provided they perform no labor relating to the project other than the loading and unloading of their cargo.

These regulations specify that the safety training requirement applies to any public works project within the meaning of Subsection (g) of Section 31-53 of the Connecticut General Statutes.

These regulations require "completion documents," which evidence the completion of the required safety and health course or program by individuals performing the duties of a mechanic, laborer or worker on a public works project. Such completion documents may be issued in accordance with federal Occupational Safety and Health Administration Training Institute standards, or in accordance with Federal Mine Safety and Health Administration Standards or in accordance with 29 CFR 1910.268, as appropriate. The regulations require that each contractor subject to section 31-53b of the Connecticut General Statutes shall affix a copy of said

completion document to the weekly certified payroll form on which said mechanic's, laborer's or worker's name first appears for submission to the contracting agency for such public works project.

Lastly, these regulations specify the penalty that may be imposed in the event of noncompliance with the statute by a mechanic, laborer or worker on a public works project. Such a person who does not possess a satisfactory completion document shall be subject to removal from the worksite, if such person does not provide proof of compliance to the Labor Commissioner by the fifteenth day after the date the person is determined by the agency to be in noncompliance with these regulations.

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