HOUSE DOCKET, NO. FILED ON: 1/12/2009

**HOUSE . . . . . . . . . . . . . . No.**

|  |
| --- |
|  |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Martin J. Walsh**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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, its independent authorities and other political subdivisions .

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Martin J. Walsh | 13th Suffolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1866 OF 2007-2008.]

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act to provide a safe workplace for employees of the commonwealth, its independent authorities and other 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 is hereby amended inserting a new section 40 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, its independent authorities

 and other political subdivision**s.** 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. Nothing herein shall affect any state standard that exceeds the

standards applied by the occupational health and safety administration.

(b) The division shall have authority to conduct investigations. The commissioner shall

have authority to issue subpoenas and subpoenas duces tecum to compel the attendance

of witnesses and/or the production of documents.

(c) The commissioner of the division may promulgate regulations and may issue

corrective orders where he has found a violation of this section or regulations

promulgated hereunder. Proceedings concerning the issuance of regulations or corrective

orders to public officials shall be adjudicatory proceedings pursuant to chapter 30A and

shall be subject to judicial review accordingly.

(d) With respect to the exercise of its responsibilities under this section, the division shall

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

(e) The effective date of this section with respect to cities and towns shall be subject to

the provisions of section 27C of chapter 29 of the General Laws.

(f) The provisions of this act shall not apply to the fire services of the Commonwealth,

its independent authorities or other political subdivisions.