

Introduced: 1/16/76
Referred: Labor & Management
and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 CS HOUSE BILL NO. 588 *am Sam FCC*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to occupational safety and health;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.60.020(b) is amended to read:

10 (b) When the commissioner promulgates any regulation or standard,
11 [MAKES ANY RULE OR ORDER,] or grants any variance [EXEMPTION OR EX-
12 TENSION OF TIME] under this chapter, he shall include a statement of
13 the reasons for the action, forward a copy to the OSHA Review Board
14 and cause a copy to be published in newspapers in the state so as to
15 receive statewide coverage.

16 * Sec. 2. AS 18.60.055 is amended to read:

17 Sec. 18.60.055. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH.
18 There is established in the department a division of occupational
19 safety and health to be administered by a director responsible to the
20 commissioner. Minimum qualifications shall be established for employees
21 of the department acting as safety inspectors. These qualifications
22 shall include, as a minimum requirement, at least five years general
23 work experience in industry [THE FIELD THEY ARE ASSIGNED TO INSPECT].

24 * Sec. 3. AS 18.60.075(a) is amended to read:

25 (a) An employer shall do everything necessary to protect the
26 life, health and safety of employees including, but not limited to:

27 (1) complying with all occupational safety and health
28 standards and regulations promulgated by the department;

29 (2) furnishing and prescribing the use of suitable protective

1 equipment, safety devices and safeguards as are prescribed for the
2 work and work place; [AND]

3 (3) adopting and prescribing control or technological
4 procedures, and monitoring and measuring employee exposure in con-
5 nection with hazards, as may be necessary for the protection of
6 employees; and

7 (4) furnishing to each of his employees employment and a
8 place of employment which are free from recognized hazards which, in
9 the opinion of the commissioner, are causing or are likely to cause
10 death or serious physical harm to his employees.

11 * Sec. 4. AS 18.60.087 is amended to read:

12 Sec. 18.60.087. EMPLOYER AND EMPLOYEE PARTICIPATION. (a) A
13 representative of the employer and a representative authorized by the
14 employees shall be given an opportunity to accompany the representative
15 of the department during the physical inspection of a work place for
16 the purpose of aiding the inspection. If the authorized representative
17 is an employee, time spent aiding the inspection shall be considered
18 as time worked and he shall be compensated accordingly. When there is
19 no authorized employee representative, there shall be consultation
20 with a reasonable number of employees concerning matters of health and
21 safety in the work place.

22 (b) Comments relating to an employer's compliance with the
23 provisions of secs. 10 - 105 of this chapter made by an employee or an
24 employee representative to the representative of the department
25 during the course of an inspection, and the name of any employee or
26 employee representative making such comments to a representative of
27 the department, are confidential and may not be made available by the
28 department to the employer without the consent of the employee or the
29 employee representative.

1 * Sec. 5. AS 18.60.088(b) is amended to read:

2 (b) If the department makes a special inspection, or an inspection
3 under sec. 83 of this chapter, a copy of an employee notice shall be
4 provided the employer no later than at the time of the inspection.
5 Unless expressly consented to by [UPON REQUEST OF] the person giving
6 the notice, his name and the name of employees referred to in the
7 notice shall be kept confidential and may not appear in the copy
8 provided the employer or in any record available to the employer.

9 * Sec. 6. AS 18.60.097 is repealed and re-enacted to read:

10 Sec. 18.60.097. JUDICIAL REVIEW. (a) A person affected by an
11 order of the OSHA Review Board under sec. 93(c) or (e) of this chapter
12 or of the commissioner under sec. 96 of this chapter may obtain a
13 review of the order by filing a notice of appeal in the superior court
14 as provided in Rule 45 of the Rules of Appellate Procedure of the
15 State of Alaska.

16 (b) The department may obtain review of an order of the OSHA
17 Review Board under sec. 93(c) or (e) of this chapter by filing a
18 notice of appeal in the superior court as provided in Rule 45 of the
19 Rules of Appellate Procedure of the State of Alaska.

20 (c) An order of the OSHA Review Board under sec. 93(c) or (e) of
21 this chapter or of the commissioner under sec. 96 of this chapter
22 becomes final and is not subject to review by any court if a notice of
23 appeal is not filed with the superior court within the period provided
24 for by Rule 45 of the Rules of Appellate Procedure of the State of
25 Alaska.

26 (d) An employer seeking judicial review of an order of the OSHA
27 Review Board or of the commissioner must inform his affected employees
28 of the fact that he is seeking judicial review.

29 (e) The court shall review an order of the OSHA Review Board or

1 of the commissioner on a substantial-evidence basis.

2 * Sec. 7. This Act takes effect immediately in accordance with AS
3 01.10.070(c).

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29