

SB320

SENATE FINANCE COMMITTEE REPORT

DATE: 2/21/92

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered

SENATE BILL NO. 320

"An Act relating to occupational safety and health; and providing for an effective date."

DIED

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES: Dept/Date

- zero fiscal notes _____
- _____
- fiscal notes _____
- _____
- appropriation**--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

- zero fiscal notes _____
- _____
- fiscal notes _____
- _____

DO PASS:

OTHER RECOMMENDATIONS:

1. _____
Co-Chair: Signature/Recommendation

2. _____
Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 1

Version: SB 320

(S) Publish Date: 2-21-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL 1

Revision Date: _____
 Title: "An Act relating to occupational safety & health..."
 Sponsor: Senators Collins & Pearce
 Requestor: Senate Labor & Commerce

Department Affected: Labor
 BRU: Workers' Compensation & LS&S
 Component: Workers' Compensation & Occupational Safety & Health
 COMPONENT SERIAL NO. 344 & 970

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND&STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|----------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|------------|------------|------------|------------|------------|------------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Changes in CSB 320 (RC) have no fiscal impact. This fiscal note is appropriate.
2-20-92 date Bru Comte Aide(initial)

Prepared by: Arbe Williams, Special Assistant

Phone: 465-2700

Division: Commissioner's Office

Date: 1/30/92

Approved by Commissioner: John Abshire, Acting Commissioner

Agency: Department of Labor

Date: 1/30/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 2
Version: SB 320
(S) Publish Date: 2-21-92

Revision Date: _____
Title: An Act relating to occupational safety and health
Sponsor: Collins, Pearce
Requestor: Labor and Commerce

Department Affected: Administration
BRU: Division of Risk Management
Component: Risk Management

COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 0 | 0 | 7 | 1 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | 190.2 | 190.2 | 190.2 | 190.2 | 190.2 | 190.2 |
| TRAVEL | 75.0 | 75.0 | 75.0 | 75.0 | 75.0 | 75.0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 | 4.8 |
| EQUIPMENT | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 275.0 | 275.0 | 275.0 | 275.0 | 275.0 | 275.0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|----------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND | 275.0 | 275.0 | 275.0 | 275.0 | 275.0 | 275.0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 275.0 | 275.0 | 275.0 | 275.0 | 275.0 | 275.0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 3 | 3 | 3 | 3 | 3 | 3 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) SB 320 would require Risk Management to contract and develop or implement training programs, provide inspection services, investigate accidents and provide required record keeping. We estimate a minimum of three professionally qualified safety personnel with travel. This would service only those agencies not presently involved in special hazards.

Changes in CSSB 320 (LC) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

Prepared by: Donald J. Hitchcock
Division: Risk Management

2-20-92 BW
date Comte Aide (initial) 1-31-92

Approved by Commissioner: Nancy Bear Usara
Agency: Administration

Date: 2/23/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

| | | | | |
|---|--------------------|-----------------------|---------------------|------------------------|
| Position Title Risk Management Officer III | | No. of Positions 3 | Range / Step 19A | Barg. Unit GGU |
| Time Status PFT | Staff Months 36 | Location Juneau | | Election District 4 |
| TYPE OF EXPENDITURE | | AMOUNT | | |
| Salary | | 136.8 | | |
| Benefits | | 53.4 | | |
| Premium Pay | | | | |
| Other | | | | |
| Total Personal Services | | 190.2 | | |
| Travel | | 75.0 | | |
| Contractual | | | | |
| Commodities | | 4.8 | | |
| Equipment | | 5.0 | | |
| Other | | | | |
| Total Cost | | 275.0 | | |
| FUNDING SOURCE FOR TOTAL COST | | | | |
| Federal Receipts | 1002 | | | |
| G.F. Match | 1003 | | | |
| General Fund | 1004 | 275.0 | | |
| I-A Receipts | 1007 | | | |
| CIP Receipts | 1061 | | | |
| Other | | | | |
| Justification | | | | |
| <p>SB 320 would require at least three safety professionals to develop and implement safety training programs, provide scheduled inspection services, investigate employee accidents and provide record keeping requirements or guidance. The safety officers would be in transit most of the time to the many remote areas as well as the populated areas of the state. Average 2-3 thousand dollars per month travel expenses should not be unusual.</p> <p>Necessary equipment, supplies and software requirements are also estimated.</p> | | | | |

2/LEG92/3401a.kp

Request For New Position

AGENCY ADMINISTRATION

BRU RISK MANAGEMENT

COMPONENT RISK MANAGEMENT

FY 93

Page 2 of 2
Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB320

Revision Date:
Title:

Department Affected: UNIVERSITY OF ALASKA
BRU: Statewide Programs
Component: Statewide Services

Sponsor:
Requestor:

Component Serial No: 730

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY93 | FY94 | FY95 | FY96 | FY97 | FY98 |
|-------------------|------|------|------|------|------|------|
| PERSONAL SERVICES | 50.4 | 52.0 | 54.0 | 56.0 | 58.0 | 60.0 |
| TRAVEL | 10.0 | 10.5 | 11.0 | 11.5 | 12.0 | 12.5 |
| CONTRACTUAL | 3.0 | 3.2 | 3.4 | 3.6 | 3.8 | 4.0 |
| SUPPLIES | 2.0 | 2.1 | 2.2 | 2.3 | 2.4 | 2.5 |
| EQUIPMENT | 5.0 | -0- | -0- | 5.0 | -0- | -0- |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 70.4 | 67.8 | 70.6 | 78.4 | 76.2 | 79.0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|--------------------|--|--|--|--|--|--|
| REVENUE F-D SOURCE | | | | | | |
|--------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|------|------|------|------|------|------|
| GENERAL FUND | 70.4 | 67.8 | 70.6 | 70.6 | 76.2 | 79.0 |
| FEDERAL FUNDS | | | | | | |
| OTHER FUNDS | | | | | | |
| TOTAL | 70.4 | 67.8 | 70.6 | 70.6 | 76.2 | 79.0 |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: _____

ANALYSIS (Attach additional pages as necessary) This increment will fund one (1) position to implement SB320. The person will develop, implement, and monitor the injury prevention program required by SB320. The position will require travel to all locations of the university to implement the employee training and employee safety committee requirements of this bill.

Prepared by: Marsha Hubbard, Director
Division: Statewide Budget Office

Phone: 474-7693

Date: 3/5/92

Approved by: Brian Rogers, Vice President for Finance
Agency: University of Alaska

Date: 3/5/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies)

CS FOR SENATE BILL NO. 320 (L&C)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/21/92
 Referred: Finance

Sponsor(s): SENATORS COLLINS, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to occupational safety and health; and providing for an effective date."

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

3 * Section 1. AS 18.60 is amended by adding new sections to read:

4 Sec. 18.60.042. INJURY PREVENTION PROGRAM. (a) An employer covered by this
 5 section shall establish a written injury prevention program. The program must include:

6 (1) identification of the individual or individuals responsible for implementing the
 7 program;

8 (2) the employer's system for identifying and evaluating workplace hazards; the
 9 system must include scheduled, periodic inspections to identify unsafe conditions and work
 10 practices;

11 (3) the employer's methods and procedures for correcting unsafe or unhealthy
 12 conditions and work practices in a timely manner;

13 (4) an occupational health and safety training program designed to instruct
 14 employees in general safe and healthy work practices and to provide specific instruction with

1 respect to hazards specific to each employee's job assignment;

2 (5) the employer's system for communicating with employees on occupational
3 health and safety matters, including provisions to encourage employees to inform the employer
4 of hazards at the worksite without fear of reprisal;

5 (6) the employer's system for ensuring that employees comply with safe and
6 healthy work practices; the system may include disciplinary action.

7 (b) An employer shall correct unsafe and unhealthy conditions and work practices within
8 a reasonable time given the severity of the hazard.

9 (c) An employer shall provide training in injury prevention to

10 (1) all employees when the training program is first established;

11 (2) each new employee immediately after the employee is hired;

12 (3) each employee given a new job assignment; and

13 (4) all employees whenever new substances, processes, procedures, or equipment
14 are introduced to the workplace and represent a new hazard and whenever the employer receives
15 notification of a new or previously unrecognized hazard.

16 (d) The employer shall implement and maintain the employer's injury prevention program
17 and keep appropriate records of steps taken to do so.

18 (e) The department shall adopt, by regulation, a standard setting out the employer's duties
19 under this section. In adopting the standard, the department shall include substantial compliance
20 criteria for use in evaluating an employer's injury prevention program. The department may
21 adopt less stringent criteria for employers with fewer employees and for employers in industries
22 with insignificant occupational safety or health hazards.

23 (f) The standard adopted under (e) of this section must specifically permit an employer
24 covered by this section to establish an employer-employee occupational safety and health
25 committee as part of the employer's injury prevention program. The department shall establish
26 criteria for use of these committees. The criteria must include minimum powers and duties and
27 mus'

28 (1) require the committee to review the employer's

29 (A) periodic, scheduled worksite inspections;

30 (B) investigations of causes of incidents resulting in injury, illness, or
31 exposure to hazardous substances; and

1 (C) investigations of an alleged hazardous condition brought to the
2 attention of a committee member;

3 (2) permit the committee to conduct its own inspections and investigations when
4 determined necessary by the committee;

5 (3) require the committee, when requested by the department, to verify abatement
6 action taken by the employer as specified in citations issued by the department.

7 (g) If an employer has established an occupational safety and health committee that meets
8 the criteria established by the department under this section, the employer shall be rebuttably
9 presumed to be in substantial compliance with the requirement to maintain a system of
10 communication with employees under (a)(5) of this section.

11 (h) The department shall adopt regulations specifying the procedures for selecting
12 employee representatives for employer-employee occupational health and safety committees when
13 these procedures are not specified in an applicable collective bargaining agreement. An employee
14 or employee organization may not be held liable for an act or omission in connection with a
15 health and safety committee established under this section.

16 (i) An employer exempt under (j)(3) of this section from the requirements of (a) - (h) of
17 this section shall establish and maintain an effective program of communicating with employees
18 on occupational health and safety matters, including provisions to encourage employees to inform
19 the employer of hazards at the worksite without fear of reprisal.

20 (j) This section does not apply to

21 (1) an employer regulated by 30 U.S.C. 801 - 962, as amended (federal Mine
22 Safety and Health Act;

23 (2) an employer regulated by a state or federal agency that prescribes or enforces,
24 under authority other than this section, standards or regulations affecting occupational health and
25 safety;

26 (3) an employer with fewer than seven employees; however, the employer shall
27 comply with (i) of this section.

28 Sec. 18.60.043. LIST OF HIGH HAZARD INDUSTRIES; REGIONAL
29 ENFORCEMENT PLANS. (a) The commissioner shall establish a list of the 100 highest hazard
30 industries in the state. To assess safety hazards and health hazards, the commissioner shall use
31 data from the Bureau of Labor Statistics annual survey of occupational safety and health injuries

1 and illness, Alaska Workers' Compensation Board, and the division of labor standards and safety,
2 and all other appropriate information available for determining which industries to include on the
3 list because of safety hazards, health hazards, or both. The commissioner shall review the list
4 every year.

5 (b) The department shall establish and maintain regional plans for allocating the
6 department's resources for enforcement activities. In scheduling safety inspections and health
7 inspections covered by the plan, as well as other inspections that the department determines are
8 appropriate to the region, including the cleanup of hazardous waste sites, each regional plan must
9 focus on industries selected from the commissioner's list of high hazard industries established
10 under (a) of this section. The sizes of businesses with the greatest degree of hazards within an
11 industry selected for inspection in the regional plan must be a major criterion in scheduling
12 specific inspections under the plan.

13 (c) In order to maximize the effect of the regional plans, the department shall coordinate
14 its education, training, and consulting services with the priorities established in the regional plans.

15 Sec. 18.60.044. INSPECTIONS. (a) Each inspection conducted by the department shall,
16 if applicable, include an evaluation of the employer's injury prevention program under
17 AS 18.60.042. The department shall evaluate injury prevention programs using the criteria for
18 substantial compliance determined by the department. The evaluation shall include interviews
19 with a sample of employees and the members of any employer-employee occupational safety and
20 health committee. Before an inspection is concluded, the department shall notify the employer
21 of the services available from the department to assist the employer to establish, maintain,
22 improve, and evaluate the employer's injury prevention program.

23 (b) Inspections must also include an evaluation of the condition or conditions

24 (1) alleged in the complaint if the inspection is conducted under AS 18.60.088;
25 (2) related to the asbestos health hazard abatement program under AS 18.31;
26 (3) related to significant safety or health hazards in the industries identified in the
27 regional plans developed under AS 18.60.043; and

28 (4) involved in abatement of previous violations if the employer has been
29 inspected and cited for related or the same violations in the past;

30 (c) The scope of an inspection may be expanded beyond the evaluations specified in (a)
31 and (b) of this section whenever, in the opinion of the department, a more complete inspection

1 is warranted.

2 * Sec. 2. AS 18.60.030 is amended by adding a new paragraph to read:

3 (15) offer a full range of occupational safety and health consulting services to
4 employers including, for employers covered by AS 18.60.042, assisting in the development of
5 injury prevention programs for employees and employers; the department shall give the highest
6 priority for the consulting services to the development of programs for businesses with fewer than
7 50 employees in industries identified in the plans developed under AS 18.60.043; consulting
8 services may also include providing employers or employees with information, advice, and
9 recommendations on maintaining safe employment or a safe place of employment and on
10 applicable occupational safety and health standards, techniques, devices, methods, practices, or
11 programs.

12 * Sec. 3. AS 18.60.089(a) is amended to read:

13 (a) A person may not discharge or discriminate against an employee because the
14 employee has

15 (1) filed a complaint or instituted or caused to be instituted a proceeding related
16 to the enforcement of occupational safety and health standards;

17 (2) [, OR HAS] testified or is expected to testify in a proceeding relating to
18 occupational safety and health;

19 (3) [OR BECAUSE AN EMPLOYEE HAS] exercised personally or on behalf of
20 others a right afforded under AS 18.60.010 - 18.60.105; or

21 (4) participated in an occupational health and safety committee established
22 under AS 18.60.042.

23 * Sec. 4. AS 18.60.095 is amended by adding a new subsection to read:

24 (i) Notwithstanding (h) of this section, if serious injury, illness, exposure, or death is
25 caused by a serious, wilful or repeated violation, or by a failure to correct a serious violation
26 within the time permitted for its correction, the penalty may not be reduced for a reason other
27 than the size of the business of the employer being charged. Whenever the department issues
28 a citation for a violation covered by this subsection, it shall notify the employer of its
29 determination that serious injury, illness, exposure, or death was caused by the violation and
30 shall, upon request, provide the employer with a copy of the inspection report.

31 * Sec. 5. AS 23.30.090 is amended by adding a new subsection to read:

1 (b) The board may, after a hearing, revoke an employer's certificate of self-insurance if
2 the board finds that

3 (1) the employer has been cited for a wilful violation or for repeated, serious
4 violations of the standard adopted under AS 18.60.042; and

5 (2) the citation has become final.

SENATE BILL NO. 320

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS COLLINS, Pearce

Introduced: 1/13/92

Referred: L&C, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to occupational safety and health; and providing for an effective date."

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

3 * Section 1. AS 18.60 is amended by adding new sections to read:

4 Sec. 18.60.042. INJURY PREVENTION PROGRAM. (a) An employer shall establish
5 a written injury prevention program. The program must include6 (1) identification of the individual or individuals responsible for implementing the
7 program;8 (2) the employer's system for identifying and evaluating workplace hazards; the
9 system must include scheduled, periodic inspections to identify unsafe conditions and work
10 practices;11 (3) the employer's methods and procedures for correcting unsafe or unhealthy
12 conditions and work practices in a timely manner;13 (4) an occupational health and safety training program designed to instruct
14 employees in general safe and healthy work practices and to provide specific instruction with

1 respect to hazards specific to each employee's job assignment;

2 (5) the employer's system for communicating with employees on occupational
3 health and safety matters, including provisions to encourage employees to inform the employer
4 of hazards at the worksite without fear of reprisal;

5 (6) the employer's system for ensuring that employees comply with safe and
6 healthy work practices; the system may include disciplinary action.

7 (b) An employer shall correct unsafe and unhealthy conditions and work practices within
8 a reasonable time given the severity of the hazard.

9 (c) An employer shall provide training in injury prevention to

10 (1) all employees when the training program is first established;

11 (2) each new employee immediately after the employee is hired;

12 (3) each employee given a new job assignment; and

13 (4) all employees whenever new substances, processes, procedures, or equipment
14 are introduced to the workplace and represent a new hazard and whenever the employer receives
15 notification of a new or previously unrecognized hazard.

16 (d) The employer shall implement and maintain the employer's injury prevention program
17 and keep appropriate records of steps taken to do so.

18 (e) The department shall adopt, by regulation, a standard setting out the employer's duties
19 under this section. In adopting the standard, the department shall include substantial compliance
20 criteria for use in evaluating an employer's injury prevention program. The department may
21 adopt less stringent criteria for employers with fewer employees and for employers in industries
22 with insignificant occupational safety or health hazards.

23 (f) The standard adopted under (e) of this section must specifically permit an employer
24 to establish an employer-employee occupational safety and health committee as part of the
25 employer's injury prevention program. The department shall establish criteria for use of these
26 committees. The criteria must include minimum powers and duties and must

27 (1) require the committee to review the employer's

28 (A) periodic, scheduled worksite inspections;

29 (B) investigations of causes of incidents resulting in injury, illness, or
30 exposure to hazardous substances; and

31 (C) investigations of an alleged hazardous condition brought to the

1 attention of a committee member;

2 (2) permit the committee to conduct its own inspections and investigations when
3 determined necessary by the committee;

4 (3) require the committee, when requested by the department, to verify abatement
5 action taken by the employer as specified in citations issued by the department.

6 (g) If an employer has established an occupational safety and health committee that meets
7 the criteria established by the department under this section, the employer shall be rebuttably
8 presumed to be in substantial compliance with the requirement to maintain a system of
9 communication with employees under (a)(5) of this section.

10 (h) The department shall adopt regulations specifying the procedures for selecting
11 employee representatives for employer-employee occupational health and safety committees when
12 these procedures are not specified in an applicable collective bargaining agreement. An employee
13 or employee organization may not be held liable for an act or omission in connection with a
14 health and safety committee established under this section.

15 Sec. 18.60.043. LIST OF HIGH HAZARD INDUSTRIES; REGIONAL
16 ENFORCEMENT PLANS. (a) The commissioner shall establish a list of the 100 highest hazard
17 industries in the state. To assess safety hazards and health hazards, the commissioner shall use
18 data from the Alaska Workers' Compensation Board, the division of labor standards and safety,
19 the OSHA Review Board, and all other appropriate information available for determining which
20 industries to include on the list because of safety hazards, health hazards, or both. The
21 commissioner shall review the list every two years.

22 (b) The department shall establish and maintain regional plans for allocating the
23 department's resources for enforcement activities. In scheduling safety inspections and health
24 inspections covered by the plan, as well as other inspections that the department determines are
25 appropriate to the region, including the cleanup of hazardous waste sites, each regional plan must
26 focus on industries selected from the commissioner's list of high hazard industries established
27 under (a) of this section. The sizes of businesses with the greatest degree of hazards within an
28 industry selected for inspection in the regional plan must be a major criterion in scheduling
29 specific inspections under the plan.

30 (c) In order to maximize the effect of the regional plans, the department shall coordinate
31 its education, training, and consulting services with the priorities established in the regional plans.

1 Sec. 18.60.044. INSPECTIONS. (a) Each inspection conducted by the department shall
2 include an evaluation of the employer's injury prevention program under AS 18.60.042. The
3 department shall evaluate injury prevention programs using the criteria for substantial compliance
4 determined by the department. The evaluation shall include interviews with a sample of
5 employees and the members of any employer-employee occupational safety and health committee.
6 Before an inspection is concluded, the department shall notify the employer of the services
7 available from the department to assist the employer to establish, maintain, improve, and evaluate
8 the employer's injury prevention program.

9 (b) Inspections must also include an evaluation of the condition or conditions

10 (1) alleged in the complaint if the inspection is conducted under AS 18.60.088;

11 (2) related to the asbestos health hazard abatement program under AS 18.31;

12 (3) related to significant safety or health hazards in the industries identified in the
13 regional plans developed under AS 18.60.043; and

14 (4) involved in abatement of previous violations if the employer has been
15 inspected and cited for related or the same violations in the past;

16 (c) The scope of an inspection may be expanded beyond the evaluations specified in (a)
17 and (b) of this section whenever, in the opinion of the department, a more complete inspection
18 is warranted.

19 * Sec. 2. AS 18.60.030 is amended by adding a new paragraph to read:

20 (15) offer a full range of occupational safety and health consulting services to
21 employers including assisting in the development of injury prevention programs for employees
22 and employers; the department shall give the highest priority for the consulting services to the
23 development of programs for businesses with fewer than 250 employees in industries identified
24 in the plans developed under AS 18.60.043; consulting services may also include providing
25 employers or employees with information, advice, and recommendations on maintaining safe
26 employment or a safe place of employment and on applicable occupational safety and health
27 standards, techniques, devices, methods, practices, or programs.

28 * Sec. 3. AS 18.60.089(a) is amended to read:

29 (a) A person may not discharge or discriminate against an employee because the
30 employee has

31 (1) filed a complaint or instituted or caused to be instituted a proceeding related

1 to the enforcement of occupational safety and health standards;

2 (2) [, OR HAS] testified or is expected to testify in a proceeding relating to
3 occupational safety and health;

4 (3) [OR BECAUSE AN EMPLOYEE HAS] exercised personally or on behalf of
5 others a right afforded under AS 18.60.010 - 18.60.105; or

6 (4) participated in an occupational health and safety committee established
7 under AS 18.60.042.

8 * Sec. 4. AS 18.60.095 is amended by adding a new subsection to read:

9 (i) Notwithstanding (h) of this section, if serious injury, illness, exposure, or death is
10 caused by a serious, wilful, or repeated violation, or by a failure to correct a serious violation
11 within the time permitted for its correction, the penalty may not be reduced for a reason other
12 than the size of the business of the employer being charged. Whenever the department issues
13 a citation for a violation covered by this subsection, it shall notify the employer of its
14 determination that serious injury, illness, exposure, or death was caused by the violation and
15 shall, upon request, provide the employer with a copy of the inspection report.

16 * Sec. 5. AS 23.30.090 is amended by adding a new subsection to read:

17 (b) The board may, after a hearing, revoke an employer's certificate of self-insurance if
18 the board finds that

19 (1) the employer has been cited for a wilful violation or for repeated, serious
20 violations of the standard adopted under AS 18.60.042; and

21 (2) the citation has become final.

Bill No: Senate Bill No. 320

Date: January 30, 1992

Title: "An Act relating to occupational safety and health; and providing for an effective date."

Contact: Arbe Williams
465-2700

Senate Bill 320 will require employers to establish a written injury prevention program that will include the employer's system for identifying, evaluating, and correcting workplace hazards. The written injury prevention program will also include a training program for all employees on hazards in the workplace to ensure that all employees are informed about occupational safety and health matters. The bill will encourage employers to establish an employer-employee occupational safety and health committee as part of the injury prevention program.

Senate Bill 320 requires the Department of Labor to adopt regulations regarding the employer's responsibility for establishing, implementing, and monitoring the written injury prevention program. The bill also requires the department to: establish and maintain regional plans for scheduling occupational safety and health inspections; include an evaluation of the employer's injury prevention program in the occupational safety and health inspections; offer a full range of occupational safety and health services to include assistance in the development of injury prevention programs; and give an inspection/consultation priority to businesses with fewer than 25 employees in high hazard industries.

Senate Bill 320 provides protection against discharge or discrimination of employees who participate in an occupational safety and health committee; provides that penalties for serious, willful, or repeat violations that cause serious injury, illness, exposure, or death will not be reduced for a reason other than size of the business of the employer being charged; and allows revocation of an employer's certificate of self-insurance for a willful violation or for repeated, serious violations of the provisions of the bill.

Senate Bill 320 sets out in statute many of the provisions already required by administrative regulations or written departmental administrative policy. The General Safety Code, 01.0105, requires that

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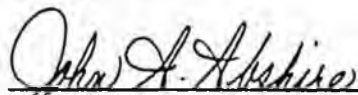
every employer start and maintain an accident prevention program and requires that employers make inspections of their worksites to identify and correct work-related hazards. The code does not require that the injury prevention program be written.

The Department also requires, by administrative policy, that its inspectors evaluate the employer's occupational safety and health program at all worksites inspected. Model written safety programs are available which can be distributed to employers. Employers can use such model safety programs to develop a written injury prevention program that is appropriate to their workplace.

The Department compiles injury and illness related data from workers' compensation files and the annual survey of occupational injury and illness to develop a list of high-hazard industries in the state. This data is used to schedule both its compliance inspections and its outreach program for its consultative and training services. Also, by agreement with the federal Occupational Safety and Health Administration, the department gives small businesses with fewer than 50 employees priority for its consultative and training resources.

In FY '91 the Department's Labor Standards and Safety Division's Consultation and Training Section conducted 258 inspections. Providing assistance to employers in developing a written program and including evaluation of the program during inspections would not impact the Department. An increase in willful, serious, or repeat violations that would impact the Department's Workers' Compensation Division is also not anticipated.

APPROVED:



John A. Abshire, Acting Commissioner
Department of Labor