

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 919*
Committee Substitute Reported Without Prejudice 6/14/04

Short Title: Workplace Safety Grants and Training Courses.

(Public)

Sponsors:

Referred to:

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF LABOR TO PROVIDE GRANTS FOR VOLUNTARY WORKPLACE SAFETY EFFORTS BY EMPLOYERS AND TO PROVIDE FOR NONENGLISH LANGUAGE SAFETY TRAINING TO CONSTRUCTION WORKERS; TO ALLOW THE REDUCTION OR WAIVER OF CERTAIN CIVIL PENALTIES FOR EMPLOYERS PARTICIPATING IN THE TRAINING; AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 95 of the General Statutes is amended by adding a new section to read:

"§ 95-14.1. Workplace safety grant program.

(a) Grant. – The Department of Labor shall implement a grant program under which each eligible employer that makes eligible workplace safety expenditures during a calendar year is eligible for a grant of up to one hundred percent (100%) of the amount of the expenditures.

(b) Definitions. – The following definitions apply in this section:

(1) Eligible employer. – An employer that, at the business location with respect to which the grant is applied for, has no citations that have become a final order within the past three years under either of the following:

a. The Occupational Safety and Health Act for willful serious violations or for failing to abate serious violations.

b. The Mine Safety and Health Act for significant and substantial violations or for failing to abate significant and substantial violations.

(2) Eligible workplace safety expenditures. – Any of the following expenditures unless the expenditure was made to address a violation for which the employer was cited:

- 1 a. Expenditures to eliminate workplace hazards in order to attain
2 certification under a North Carolina Department of Labor
3 voluntary recognition program.
4 b. Expenditures to prepare an application and prepare the
5 workplace for certification under a North Carolina Department
6 of Labor voluntary recognition program.
7 c. Expenditures to eliminate workplace hazards identified through
8 the North Carolina Department of Labor's free consultation
9 program.

10 (3) Serious violation. – Defined in G.S. 95-127."

11 **SECTION 2.** There is appropriated from the General Fund to the
12 Department of Labor the sum of one million dollars (\$1,000,000) for the 2004-2005
13 fiscal year for the grant program created in Section 1 of this act.

14 **SECTION 3.** There is appropriated from the General Fund to the
15 Department of Labor the sum of one hundred thousand dollars (\$100,000) for the
16 2004-2005 fiscal year to establish a pilot program to provide non-English language
17 safety training and materials to workers in the State's construction industry. The
18 Department of Labor shall provide, or authorize other organizations to provide,
19 non-English language safety training in Spanish at least once per month at community
20 colleges or other suitable locations in the five counties with the highest per capita
21 number of Spanish-speaking construction worker deaths during the year 2003. The
22 Department of Labor shall develop the content of the course, and the course shall last no
23 longer than three hours. The Community College System Office shall cooperate with
24 the Department of Labor in the coordination of the pilot program on community college
25 campuses.

26 **SECTION 4.** Participating construction companies who have at least
27 seventy-five percent (75%) of their Spanish-speaking employees attend the safety
28 course shall receive a certificate of completion valid for a period of three years.
29 Notwithstanding any other provision of law, if there is a worker injury on a certified
30 employer's construction site during the certification period, any civil penalty considered
31 by the Department of Labor in connection with the injury shall be reduced by at least
32 half the amount or may be waived in the Commissioner's discretion unless the injury
33 was due to reckless or intentional misconduct.

34 **SECTION 5.** This act becomes effective July 1, 2004. Section 3 expires
35 June 30, 2005. Section 4 of this act shall remain in effect as to employers certified in the
36 pilot program.