

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 01-0393.01 Pam Cybyske [Duane Gall]

SENATE BILL 01-042

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

(None)

Senate Committees

Business, Labor, and Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE INCLUSION OF CONSTRUCTION WORKER SAFETY**
102 **TRAINING AS A STANDARD FOR APPROVAL OF COST**
103 **CONTAINMENT AND RISK MANAGEMENT PROGRAMS FOR THE**
104 **CONSTRUCTION INDUSTRY BY THE WORKERS' COMPENSATION**
105 **COST CONTAINMENT BOARD.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the workers' compensation cost containment board to include the following minimum construction worker safety training standards for approved cost containment and risk management programs for the construction industry:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
March 28, 2001

SENATE
Amended 2nd Reading
March 27, 2001

- Requires temporary, time-limited, and contract workers of the construction industry to have 2 hours of safety training before being allowed on a construction jobsite.
- Establishes that temporary and time-limited workers shall repeat 2 hours of safety training annually.

Allows the required safety training to be provided by an employer's safety coordinator, an agency that provides temporary labor, a construction trade union or association, an educational institution, a training institution that provides pre-entry job training, or an independent instructor. Establishes qualifications for persons who will provide the required safety training.

Requires employers to take certain steps to inform employees of the required safety training. Penalizes employers who fail to ensure that their employees complete the training by doubling the change in their experience rating as a result of an accident.

Defines "construction industry", "temporary worker", "time-limited worker", and "contract worker".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 8-14.5-103, Colorado Revised Statutes, is amended
 3 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
 4 read:

5 **8-14.5-103. Definitions.** As used in this article, unless the context
 6 otherwise requires:

7 (3.7) "CONSTRUCTION INDUSTRY" MEANS BUILDING TRADES, AS
 8 SUCH TERM IS USED IN TITLE 29 OF THE UNITED STATES CODE.

9 (3.8) "CONTRACT WORKER" MEANS A JOURNEYMAN OR APPRENTICE
 10 PERFORMING WORK FOR THE CONSTRUCTION INDUSTRY ON A PARTICULAR
 11 JOB FOR THE DURATION OF THE CONSTRUCTION CONTRACT OR JOB.

12 (8.3) "TEMPORARY WORKER" MEANS A DAY WORKER OR LABORER
 13 PERFORMING WORK FOR THE CONSTRUCTION INDUSTRY ON A PARTICULAR
 14 JOB FOR LESS THAN ONE WEEK. "TEMPORARY WORKER" ALSO INCLUDES
 15 WORKERS WHO ARE LEASED FROM AN ENTITY THAT PROVIDES TEMPORARY
 16 LABOR FOR THE CONSTRUCTION INDUSTRY.

1 (8.5) "TIME-LIMITED WORKER" MEANS A JOURNEYMAN OR
2 APPRENTICE PERFORMING WORK FOR THE CONSTRUCTION INDUSTRY ON A
3 PARTICULAR JOB FOR A PERIOD OF ONE WEEK TO THREE MONTHS.

4 **SECTION 2.** Article 14.5 of title 8, Colorado Revised Statutes,
5 is amended BY THE ADDITION OF A NEW SECTION to read:

6 **8-14.5-107.3. Workplace safety program - board standards -**
7 **construction industry.** (1) THE BOARD STANDARDS FOR APPROVAL OF
8 COST CONTAINMENT AND RISK MANAGEMENT PROGRAMS FOR THE
9 CONSTRUCTION INDUSTRY SHALL INCLUDE, AS A MINIMUM TRAINING
10 STANDARD FOR CONSTRUCTION WORKERS, THAT TIME-LIMITED,
11 TEMPORARY, AND CONTRACT WORKERS IN THE CONSTRUCTION INDUSTRY
12 SHALL HAVE TWO HOURS OF SAFETY TRAINING BEFORE BEING ALLOWED ON
13 A CONSTRUCTION JOBSITE AND SHALL REPEAT THE TWO HOURS OF SAFETY
14 TRAINING ANNUALLY.

15 (2) (a) THE SAFETY TRAINING REQUIRED BY THIS SECTION MAY BE
16 PROVIDED BY AN EMPLOYER'S SAFETY COORDINATOR, AN AGENCY THAT
17 PROVIDES TEMPORARY LABOR, A CONSTRUCTION TRADE UNION OR
18 ASSOCIATION, AN EDUCATIONAL INSTITUTION, A TRAINING INSTITUTION
19 THAT PROVIDES PRE-ENTRY JOB TRAINING, AN INSURANCE COMPANY, OR AN
20 INDEPENDENT INSTRUCTOR WHO IS CERTIFIED TO TEACH AND ISSUE THE
21 CONSTRUCTION TRADE'S SAFETY TRAINING CERTIFICATE. ALL SAFETY
22 TRAINING INSTRUCTORS SHALL HAVE ONE OR BOTH OF THE FOLLOWING
23 QUALIFICATIONS:

24 (I) A MINIMUM OF FIVE YEARS OF EXPERIENCE IN THE
25 CONSTRUCTION INDUSTRY; OR

26 (II) TRAINING BASED ON JOB-SPECIFIC SAFETY STANDARDS,
27 INCLUDING UP TO SIXTEEN HOURS OF TRAINING CONCERNING FEDERAL JOB

1 SAFETY STANDARDS OR COMPLETION OF AN OCCUPATIONAL SAFETY AND
2 HEALTH ADMINISTRATION 500 COURSE AND A COURSE FOR TRAINERS FOR
3 THE CONSTRUCTION INDUSTRY.

4 (b) TRAINERS SHALL UPDATE THEIR TRAINING SKILLS EVERY FIVE
5 YEARS AT A LEVEL NECESSARY TO MAINTAIN KNOWLEDGE OF SAFETY
6 MEASURES.

7 (c) THE TRAINER SHALL PROVIDE PROOF OF THE TRAINER'S
8 TRAINING QUALIFICATIONS TO EACH INDIVIDUAL TRAINED.

9 (d) EMPLOYERS OF INDIVIDUALS TRAINED SHALL MAINTAIN A
10 RECORD OF TRAINING RECEIVED BY EACH EMPLOYEE.

11 (3) THE BOARD STANDARDS FOR APPROVAL OF COST CONTAINMENT
12 AND RISK MANAGEMENT PROGRAMS FOR THE CONSTRUCTION INDUSTRY
13 SHALL REQUIRE EMPLOYERS TO:

14 (a) INCLUDE THE TRAINING REQUIREMENTS SET FORTH IN THIS
15 SECTION IN ANY LOSS PREVENTION RULES ESTABLISHED BY SUCH
16 EMPLOYER;

17 (b) APPOINT A COMPANY SAFETY COORDINATOR TO ESTABLISH
18 WEEKLY CONSTRUCTION JOBSITE MEETINGS AND ENCOURAGE EMPLOYEES
19 TO DISCUSS SAFETY ISSUES WITH THE SAFETY COORDINATOR AT THE
20 MEETINGS; AND

21 (c) REQUIRE THE COMPANY SAFETY COORDINATOR TO ADVISE
22 EMPLOYEES OF SAFETY ISSUES AND TRAINING PROGRAMS AT THE WEEKLY
23 CONSTRUCTION JOBSITE MEETINGS ESTABLISHED IN ACCORDANCE WITH
24 PARAGRAPH (b) OF THIS SUBSECTION (3).

25 (4) AN EMPLOYER MAY SUBMIT TO THE BOARD VERIFICATION FROM
26 THE EMPLOYER'S INSURER THAT THE EMPLOYER'S COST CONTAINMENT AND
27 RISK MANAGEMENT PROGRAM MEETS THE REQUIREMENTS OF SUBSECTION

1 (3) OF THIS SECTION.

2

3 **SECTION 3. Effective date - applicability.** (1) (a) This act shall
4 take effect July 1, 2002, unless a referendum petition is filed during the
5 ninety-day period after final adjournment of the general assembly that is
6 allowed for submitting a referendum petition pursuant to article V, section
7 1 (3) of the state constitution. If such a referendum petition is filed
8 against this act or an item, section, or part of this act within such period,
9 then the act, item, section, or part, if approved by the people, shall take
10 effect on the date of the official declaration of the vote thereon by
11 proclamation of the governor.

12 (b) Notwithstanding paragraph (a) of this subsection (1), this act
13 shall not take effect unless moneys are appropriated for the cost
14 containment and risk management program in the division of workers'
15 compensation in the department of labor and employment as specified in
16 the annual general appropriations act or in any other act making an
17 appropriation for the fiscal year beginning July 1, 2002.

18 (2) The provisions of this act shall apply to all new applications
19 for cost containment and risk management certification from the workers'
20 compensation cost containment board in the division of workers'
21 compensation submitted on or after the effective date of this act.