

Regulation of the  
**Department of Labor**

Concerning  
**Supplemental Refresher Training Course**

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on  
**September 12, 2013**

Effective Date  
***September 12, 2013***

Approved by the Attorney General on  
**June 17, 2013**

Approved by the Legislative Regulation Review  
Committee on  
**August 27, 2013**

Received and filed in the Office of the  
Secretary of the State on  
**September 9, 2013**

Electronic copy with agency head certification statement  
submitted to the Office of the  
Secretary of the State on  
**September 9, 2013**

Published in the Connecticut Law Journal on

**Purpose and Legal Disclaimer:** This form was designed to facilitate submission of the "statement from the department head" required by CGS 4-172(a) as amended by PA 12-92, Section 6. This form does not constitute legal advice. The Office of the Secretary of the State (SOTS) is not authorized to provide legal advice to state agencies. Consult with your agency's legal counsel before completing and submitting this form for filing

**Instructions:** (1) Save a copy of this document to your computer; (2) To enter data, use the Tab key to move between fields, or click-and-highlight an entire <text field>; (3) When complete, submit to your agency's legal counsel for review and approval; (4) After approval by counsel, PRINT and submit to your agency head for his/her original signature; (5) Scan the originally-signed form and submit it as an email attachment, along with the electronic copy of the regulation that the statement certifies, to [regulations.sots@ct.gov](mailto:regulations.sots@ct.gov); (6) retain the originally-signed copy for your agency's regulation-making record.

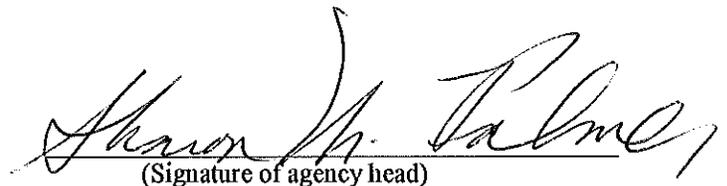
*Submit the electronic copy and its certification statement to the Secretary of the State at [regulations.sots@ct.gov](mailto:regulations.sots@ct.gov) concurrently with the paper copy of the original regulation, as required by CGS Section 4-172 as amended.*

## Electronic Copy Certification Statement

I, **Sharon M. Palmer, Commissioner,** of the **Connecticut Department of Labor,** in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut,* do hereby certify:

That the electronic copy of a regulation concerning **Supplemental Refresher Training Course,** which was approved by the Legislative Regulation Review Committee on **August 27, 2013,** and which shall be submitted electronically for filing to the Secretary of the State by **Anne Rugens** of this agency on **September 9, 2013,** is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut.*

In testimony whereof, I have hereunto set my hand on **September 6, 2013.**

  
(Signature of agency head)

**IMPORTANT:** Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut  
**REGULATION**  
of

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NAME OF AGENCY

CONNECTICUT DEPARTMENT OF LABOR

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**Concerning**

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SUBJECT MATTER OF REGULATION

SUPPLEMENTAL REFRESHER TRAINING COURSE

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**Section One.** Section 31-53b-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 31-53b-1. Definitions**

As used in sections 31-53b-1 through 31-53b-5, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Certified payroll" means a certified payroll required to be submitted to the contracting agency pursuant to section 31-53(f) of the Connecticut General Statutes;

(2) "Completion document" means a card, document, certificate or other written record issued by the federal Occupational Safety and Health Administration, or by a federal Occupational Safety and Health Administration authorized trainer, or by the Federal Mine Safety and Health Administration in accordance with 30 CFR 48, or in the case of telecommunications employees, in accordance with 29 CFR 1910.268, evidencing that a person subject to these regulations has completed a construction safety and health course, program or training, or a supplemental refresher training course;

(3) "Construction safety and health course, program or training" means a course, program or training in construction safety or health of at least ten hours duration approved by the federal Occupational Safety and Health Administration, or a new miner training program approved by the Federal Mine Safety and Health Administration in accordance with 30 CFR 48 or, in the case of telecommunications employees, at least ten hours of training in accordance with 29 CFR 1910.268;

(4) A "Supplemental refresher training course" means a course, program or training in construction safety or health, which course includes, but is not limited to, an update of revised Occupational Safety and Health Administration standards and a review of required construction hazards training, of at least four hours in duration taught by a federal Occupational Safety and Health Administration authorized trainer to electricians or plumbers subject to the continuing education requirements of section 20-334d of the Connecticut General Statutes, who have completed a course of at least ten hours in duration in construction safety and health approved by the federal Occupational Safety and Health Administration five or more years prior to the date such electrician or plumber begins work on such public works project;

[(4)] (5) "Employee" means "employee" as defined in section 31-71a(2) of the Connecticut General Statutes;

[(5)] (6) "Labor Commissioner" means the Commissioner of the Connecticut Department of Labor;

[(6)] (7) "Mechanic," "laborer," or "worker" means any individual engaged in the duties of a mechanic, laborer or worker, pursuant to the classifications of labor under Section 31-53 of the Connecticut General Statutes, but does not mean an employee of a public service company, as defined in section 16-1 of the Connecticut General Statutes, or drivers of commercial motor vehicles driving such vehicles on public works projects and delivering or picking up cargo from such projects, provided that such drivers perform no labor relating to the projects other than the loading and the unloading of their cargo;

(8) "Plumber" means any person licensed in accordance with Chapter 393 of the Connecticut General Statutes who is subject to the continuing education requirements of section 20-334d of the Connecticut General Statutes and who performs "plumbing and piping work" as defined in section 20-330(3) of the Connecticut General Statutes;

(9) "Electrician" means any person licensed in accordance with Chapter 393 of the Connecticut General Statutes who is subject to the continuing education requirements of section 20-334d of the Connecticut General Statutes and who performs "electrical work" as defined in section 20-330(2) of the Connecticut General Statutes; and

[(7)] (10) "Public works project" means a public works project to which subsection (g) of section 31-53 of the Connecticut General Statutes applies.

**Section 2.** Section 31-53b-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 31-53b-2. Construction safety course, program or training; Supplemental Refresher Training Course**

(a) Any person performing the duties of a mechanic, laborer or worker on a public works project shall be required, as a condition of performing such work, to demonstrate compliance with section 31-53b of the Connecticut General Statutes by having completed a construction safety and health course, program or training, as appropriate.

(b) In addition to the requirements set forth in subsection (a) of this section, any electrician or plumber subject to section 31-53b of the Connecticut General Statutes who has completed a course of at least ten hours in duration in construction safety and health approved by the federal Occupational Safety and Health Administration five or more years prior to the date such electrician or plumber begins work on such public works project, shall be in compliance with these regulations provided such electrician or plumber has successfully completed a supplemental refresher training course of at least four hours in duration in construction safety and health taught by a federal Occupational Safety and Health Administration authorized trainer.

[(b)] (c) Proof of course, program or training or supplemental refresher training course completion shall be demonstrated through the presentation of a course, program or training or supplemental refresher training course completion document. For purposes of the supplemental refresher training course, proof of training shall be a student course completion card issued by the federal Occupational Safety and Health Administration authorized trainer who conducted the training. Each student course completion card shall reference the trainer's identification number;

[(c)] (d) For purposes of these regulations, any completion document with an issuance date more than five years prior to the commencement date of such public works project shall not constitute compliance with section 31-53b of the Connecticut General Statutes and this section, except electricians and plumbers may be found to be in compliance provided that they have successfully completed a supplemental refresher training course of at least four hours in duration in construction safety and health taught by a federal Occupational Safety and Health Administration authorized trainer.

R-39 Rev. 03/2012  
(Certification page—see instructions on back)

### CERTIFICATION

*This certification statement must be completed in full, including items 3 and 4, if they are applicable.*

- 1) I hereby certify that the above (check one)  Regulations  Emergency Regulations
- 2) are (check all that apply)  adopted  amended  repealed by this agency pursuant to the following authority(ies): (complete all that apply)
  - a. Connecticut General Statutes section(s) \_\_\_\_\_.
  - b. Public Act Number(s) 11-53.  
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on 9/25/12;  
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on 10/25/12;  
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
  - When filed with the Secretary of the State
  - OR  ON (insert date) \_\_\_\_\_

DATE <u>6/5/13</u>	SIGNED (Head of Board, Agency or Commission) <i>Sharon M. Palmer</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
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**APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended**

DATE <u>6/17/13</u>	SIGNED (Attorney General or AG's designated representative) <i>Joseph Rubin</i>	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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*Proposed regulations are DEEMED APPROVED by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

*(For Regulation Review Committee Use ONLY)*

- Approved  Rejected without prejudice
- Approved with technical corrections  Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>8/27/13</u>	SIGNED (Administrator, Legislative Regulation Review Committee) <i>Kustas</i>
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**Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.**

DATE	SIGNED (Secretary of the State)	BY
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*(For Secretary of the State Use ONLY)*

### **Statement of Purpose**

*Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.*

These regulations implement the provisions of P.A. 11-63 (modifying section 31-53b of the general statutes) to allow plumbers and electricians, who are required to pursue certificates of continuing education in order to maintain licensure, to take a four-hour OSHA refresher training course every five years rather than a ten-hour training course every five years.

**GENERAL INSTRUCTIONS**

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets [ ]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/lrr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at [http://www.cga.ct.gov/lco/pdfs/Regulations\\_Drafting\\_Manual.pdf](http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf).

**CERTIFICATION STATEMENT INSTRUCTIONS**

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
  - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
  - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.