

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1351

BY: MONSON

AS INTRODUCED

AN ACT RELATING TO LABOR; ENACTING THE VIDEO DISPLAY TERMINAL SAFETY ACT; PROVIDING SHORT TITLE; STATING FINDINGS AND DECLARATIONS; DEFINING TERMS; CREATING THE VIDEO DISPLAY TERMINAL ADVISORY COMMITTEE; PROVIDING FOR MEMBERSHIP, APPOINTMENTS, TERMS, MEETINGS, OFFICERS, POWERS AND DUTIES OF SUCH COMMITTEE; PROVIDING REQUIREMENTS OF CERTAIN EMPLOYERS CONCERNING EMPLOYEES OPERATING VIDEO DISPLAY TERMINALS; PROVIDING FOR EXCEPTIONS; PROVIDING CERTAIN RIGHT TO ENTRY, INSPECTIONS, AND REMEDIES TO THE COMMISSIONER OF LABOR; PROVIDING PENALTIES; PROVIDING FOR CIVIL LIABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 187A.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 7 of this act shall be known and may be cited as the "Video Display Terminal Safety Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 187A.2 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds that:

1. It shall be the public policy of this state to provide public and private sector employees who operate video display terminals within the state with a safe and healthy work environment;

2. Investigations conducted by the National Institute for Occupational Safety and Health of video display terminal operators in response to complaints of headaches, general malaise, eyestrain and other visual and musculoskeletal problems resulted in recommendations for video display terminal workstation design, video display terminal work breaks and pre-placement and periodic visual testing to reduce musculoskeletal and vision complaints among video display terminal users;

3. Adjustable video display terminal workstations in combination with training on proper adjustment of the workstation and periodic breaks from video display terminal use during the workday substantially contributes to suitable working postures and reduces vision complaints, thereby providing a safer and healthier work environment for video display terminal operators; and

4. By providing for adjustable workstations, education and training covering workstation design and adjustment, work routine, and the causes of and treatments for health effects associated with video display terminal use, employers will furnish a safer and healthier work place for video display terminal operators.

B. The Oklahoma Legislature declares that although some employers and manufacturers have recognized and implemented safeguards in equipment and workstation design and work routine in order to better protect the health and well-being of employees who operate video display terminals on a regular basis, many video display terminal operators remain unprotected.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 187A.3 of Title 40, unless there is created a duplication in numbering, reads as follows:

As used in the Video Display Terminal Safety Act:

1. "Committee" means the Video Display Terminal Advisory Committee;
2. "Commissioner" means the Commissioner of Labor;
3. "Department" means the Department of Labor;
4. "Employer" means any person, partnership, firm, association, or corporation and any agent of such business, located or doing business within this state, except federal government entities, who has five (5) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year;
5. "Employee" means any individual who is required or directed by an employer to engage in any employment within this state;
6. "Operator" means an employee who because of the duties of the employee may be expected to use video display terminal equipment four (4) hours or more per shift, including breaks;
7. "Terminal" or "Video Display Terminal" means an electronic video screen data presentation machine, commonly denominated as video display terminals including but not limited to cathode-ray tubes (CRT). Nothing in the Video Display Terminal Safety Act may be construed to apply to televisions, cash registers, memory typewriters, or oscilloscope screens.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 187A.4 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created an advisory committee to the Commissioner of Labor to be known as the Video Display Terminal Advisory Committee.

B. The Committee shall consist of seven (7) members appointed by the Governor. The membership shall be composed of two representatives from business, two representatives of labor, and three representatives of the video display terminal scientific research fields. Of the members first appointed, two shall serve for a term of two (2) years, two shall serve for a term of three (3) years, and three shall serve for a term of four (4) years. Thereafter, members shall be appointed for a term of four (4) years, except that any vacancy occurring during a term shall be filled by an appointment for the unexpired term. The initial members of the Committee shall all be appointed by September 1, 1991, and each appointment thereafter shall be on July 1. The State Commissioner of Health shall be secretary of the Committee, and shall be an ex officio member, to serve without a vote.

C. At the initial meeting of the Committee, and yearly thereafter, the Committee members shall select a chairperson and such other officers as deemed necessary by the Committee. The Committee shall establish rules and regulations for its own organization and procedures and shall meet when necessary as determined by the Committee. Provided, however, the Committee shall hold regular meetings not less than quarterly each year at places, dates and times as prescribed by the chairperson.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 187A.5 of Title 40, unless there is created a duplication in numbering, reads as follows:

The Video Display Terminal Advisory Committee shall have the following powers and duties:

1. Keep the Commissioner apprised of updated video display terminal worker health and safety information, including but not limited to:

- a. adverse pregnancy outcomes,
- b. long-term vision impairment,

- c. musculoskeletal strain, and
- d. protective measures, including workstation design and education and training, to alleviate adverse health and safety effects;

2. Review and make recommendations to the Commissioner on proposed rules and regulations developed by the Commissioner in the implementation of the Video Display Terminal Safety Act;

3. Recommend to the Commissioner such amendments to the Video Display Terminal Safety Act as the Committee deems appropriate;

4. Review developments concerning video display terminal investigations by the National Institute for Occupational Safety and Health and report to the Commissioner on these developments; and

5. Submit a written report to the Commissioner on or before July 1 of each year of its findings and recommendations.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 187A.6 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Labor shall promulgate rules and regulations to implement the provisions of the Video Display Terminal Safety Act.

B. Beginning July 1, 1992, every employer, in accordance with the rules and regulations of the Commissioner, shall provide an operator who may be expected because of the duties of the operator to routinely perform repetitive keyboard motion four (4) hours or more per shift, including breaks, with:

1. User adjustable workstations and chairs that meet minimal standards of the Commissioner;

2. A minimum of a fifteen-minute, aggregate alternative work break during or immediately after every two (2) hours of routinely performing repetitive keyboard motions, except where reasonable alternative work cannot be practicably provided, in which case the employer shall provide a written explanation to each video display

terminal operator of the reason no alternative work can be practicably provided;

3. An option, upon request of a pregnant operator to have a work transfer to non-video display terminal-related work;

4. Information and training on an annual basis about health and safety concerns associated with the use of video display terminals.

C. The Commissioner may promulgate rules and regulations providing exceptions, not to exceed a period of two (2) years, to the requirements of this section if:

1. Upon a showing by the employer, an alternative program, method, practice, means, device or process will provide equal or superior safety for operators; and

2. Upon a showing by the employer, that it is technologically infeasible to comply with the workstation rule or regulation for which the exemption is sought because the nature of the business of the employer necessitates the use of specialized video display terminal or workstation equipment which is not readily available in conformance with the rule or regulation, and the use of conforming equipment would adversely affect the task or work operations.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 187A.7 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. In order to carry out the purposes and provisions of the Video Display Terminal Safety Act, the Commissioner or designee at any reasonable time, upon the presentation of proper credentials, may enter upon or into the premises of any employer, as defined in the Video Display Terminal Safety Act, who employs five (5) or more video display terminal operators to inspect the premises for compliance with the Video Display Terminal Safety Act. If the owner or occupant of the premises denies entry, the Commissioner or designee shall obtain a proper inspection warrant or other remedy provided by law to secure entry.

B. The Commissioner may enforce the provisions of the Video Display Terminal Safety Act against violations by the following actions:

1. Serving notice to the employer requiring the correction of any violation of the Video Display Terminal Safety Act; and

2. Calling upon the Attorney General or a district attorney to maintain an action for injunction to enforce the provisions of the Video Display Terminal Safety Act.

C. Any employer convicted of violating the provisions of the Video Display Terminal Safety Act or any rule or regulation adopted by the Commissioner of Labor implementing the provisions of the Video Display Terminal Safety Act, upon conviction, shall be guilty of a misdemeanor.

D. Any employer who violates the provisions of the Video Display Terminal Safety Act or any rule or regulation adopted by the Commissioner of Labor implementing the Video Display Terminal Safety Act, may be civilly liable to any person who claims that the violation proximately caused injury or damage to the person.

SECTION 8. This act shall become effective July 1, 1991.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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