

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 481, L.D. 661, Bill, "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 26 MRSA c. 5, sub-c. II-A is enacted to read:

SUBCHAPTER II-A

VIDEO DISPLAY TERMINAL OPERATORS

§251. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Bureau. "Bureau" means the Department of Labor, Bureau of Labor Standards.

2. Employ. "Employ" means to employ or permit to work.

3. Employee. "Employee" means any person engaged to work on a steady or regular basis as an operator by an employer located or doing business in the State.

4. Employer. "Employer" means any person, partnership, firm, association or corporation, public or private, which uses 25 or more terminals within the State. The term "employer" includes, but is not limited to:

A. Any person, partnership, firm, association or corporation acting in the interest of any employer, directly or indirectly; and

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B. The State, in its capacity as an employer.

5. Operator. "Operator" means any employee whose primary task is to operate a terminal for more than 4 consecutive hours, exclusive of breaks, on a daily basis.

6. Terminal. "Terminal" means any electronic video screen data presentation machine, commonly called video display terminals, VDTs or cathode-ray tubes, CRTs. The term does not apply to television or oscilloscope screens, cash registers or memory typewriters.

§252. Requirements

Every employer shall provide for the safety and health of all operators by providing workplace conditions which meet the following requirements.

1. Work station standards. Every employer shall maintain the following workplace conditions.

A. Terminals shall be positioned in relation to light sources in such a way as to minimize direct light and glare reflected from the video display screen into the operator's eyes.

(1) If an operator finds glare and reflection from the video display screen unacceptable, the employer shall promptly attempt to reduce glare and reflection through other means, at the option of the employer, including:

(a) Repositioning the terminal;

(b) Shading, relocating or replacing light fixtures;

(c) Supplying the operator with any special equipment designed to reduce the glare or reflection problem; or

(d) Any other methods to attempt to alleviate the problem.

(2) If an operator continues to find glare and reflection from the video display screen unacceptable after the employer's attempts under subparagraph (1), the video display screen must be fitted with a contrast enhancement filter or mesh screen unless the operator specifically declines the filter or screen.

B. Chairs must be capable of being swivelled by the user

1 unless the user specifically declines such a chair.

3 C. Either the seat of the chair must be user-adjustable for
5 height or the terminal table must have a height-adjustable
7 platform. The height of the seat must allow the operator to
9 place the operator's feet firmly on a support surface.

11 2. Work breaks. Employers shall provide flexible work
13 breaks for all operators as provided in this subsection. These
15 work breaks shall be consistent with any applicable collective
17 bargaining agreement provided that in no case may an operator be
19 required to work at a terminal continuously for more than 2 hours
21 without a 15-minute break as a paid rest period. An employer may
23 reassign an operator to other appropriate work away from the
25 terminal rather than provide a 15-minute rest period. This
27 alternative work shall be considered part of the working day.
29 This subsection does not entitle any employee to refuse to
31 perform other suitable and appropriate work assigned to that
33 employee, consistent with any applicable collective bargaining
35 agreement.

37 3. Leave for vision examinations. Unless specifically
39 declined by an operator, the employer shall grant every operator,
41 other than a temporary or seasonal operator, paid leave from
43 employment during work hours for base line and annual vision
45 examinations without penalty. The employer is not required to
47 pay for these vision examinations except as provided in section
49 592.

51 4. Employee education and training. Employers shall
53 establish an education and training program for all operators.
55 This training and education shall be provided orally and in
57 writing and shall include, at a minimum:

59 A. Notification of the rights and duties created under this
61 subchapter by posting in a prominent location in the
63 workplace a copy of this subchapter and a written notice
65 which explains these rights and duties in plain language; and

67 B. An explanation or description of the proper use of
69 terminals and the protective measures which the operator may
71 take to avoid or minimize symptoms or conditions which may
73 result from extended or improper use of terminals.

75 The bureau shall recommend to employers, for use in education and
77 training programs, occupational safety literature that provides
79 appropriate, current and pertinent data on terminal use. The
81 bureau shall also serve as a clearinghouse for information
83 regarding workplace safety and health relative to the use of
85 terminals.

87 Employers shall provide current operators with this education and

1 training program within 6 months after the effective date of this
 3 section, and annually thereafter. Beginning 6 months after the
 5 effective date of this section, employers shall provide all new
operators with the training and education program within the
first 6 months of employment as operators.

7 §253. Employees' rights

9 The rights and duties of employers and employees with regard
 11 to employees' reports of violations of this subchapter to the
employer or a public body are governed by the Whistleblowers'
Protection Act, chapter 7, subchapter V-B.

13 §254. Penalties

15 Any employer who violates this subchapter or any rule or
 17 order adopted or issued by the bureau to carry out or supplement
 19 this subchapter commits a civil violation for which a forfeiture
 21 of not more than \$300 for each violation may be adjudged. For
the purposes of this section, each day of a continuing violation
constitutes a separate violation.

23 §255. Administration and enforcement

25 The bureau shall administer and enforce this subchapter and
 27 shall adopt reasonable rules for the enforcement of this
 29 subchapter under Title 5, chapter 375. The bureau, through its
officers or agents, may inspect any workplace where terminals are
used.

31 **Sec. 2. Appropriation.** The following funds are appropriated
 33 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
LABOR, DEPARTMENT OF		
Regulation and Enforcement		
Positions	(1)	(1)
Personal Services	\$26,640	\$36,953
All Other	28,215	11,340
Capital Expenditures	1,500	
Provides funds for an Occupational Health Specialist to handle complaints and for compliance in the private sector.		
DEPARTMENT OF LABOR		
TOTAL	<u>\$56,355</u>	<u>\$48,293</u>

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FISCAL NOTE

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State Government as an employer will incur additional costs to comply with this legislation. Some of these additional requirements may be implemented within existing resources. However, some programs may require additional General Fund appropriations. The amount of additional appropriations can not be determined at this time.'

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STATEMENT OF FACT

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This amendment completely replaces the original bill and makes the following changes.

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1. The original bill applied to all employers who use 5 or more video display terminals in the State. The amendment increases this limit to 25 terminals to exclude small employers from the requirements of this amendment.

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2. The amendment redefines a terminal "operator" as an employee whose primary task is to operate a terminal for more than 4 consecutive hours per day, excluding any breaks provided to the employee. This ensures that only those persons whose employment requires extended continuous terminal operation are included under the amendment.

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3. The amendment greatly circumscribes the requirements for work stations provided in the original bill. Under the amendment, an employer must locate video display terminals in such a way as to reduce glare on the video display screen caused by reflected light. If the operator continues to find glare unacceptable, the employer must take additional steps, at the employer's option, to limit glare. This provision is intended to allow an employer the opportunity to correct the problem by less burdensome and expensive methods as the employer finds appropriate. Only after an employer is given the opportunity to attempt these less burdensome options is the employer required to provide a contrast enhancement filter or glare screen for the terminal, unless the operator specifically declines the filter or screen.

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An employer is required to provide swivel chairs for operators, unless the operator specifically declines such a chair. Either the seat of the chair or the terminal table must be height adjustable to achieve the proper relationship between the operator and the terminal keyboard and screen. Finally, the height of the chair must allow an operator to rest the operator's feet on a support surface to ensure proper posture during operation of the terminal.

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4. The amendment deletes the requirement that terminals receive semiannual maintenance.

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5. The amendment deletes the restriction that operators may not operate a terminal for more than 8 hours a day but retains the requirement that operators may not work for longer than 2 hours without receiving at least a 15-minute period away from their terminals. Within the restrictions of any applicable collective bargaining agreement, an employer may reassign the operator to other work during this period but the employee must be paid for this time in any circumstance.

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6. The amendment deletes the requirement that employers provide base line and annual vision examinations to operators and requires that an employer grant paid leave to operators who choose to obtain these examinations at their own expense.

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7. The amendment simplifies the requirements regarding the provision of educational and training information to terminal operators.

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8. Finally, the amendment adds an appropriation section and fiscal note to the bill.

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Reported by the Majority of the Committee on Labor
Reproduced and distributed under the direction of the Clerk of the
House
6/15/89

(Filing No. H-563)