

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1207

S.P. 393

In Senate, April 8, 1993

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**An Act to Improve Standards for Video Display Terminal Operators.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Be it enacted by the People of the State of Maine as follows:

2  
4       Sec. 1. 26 MRSA §251, sub-§6, as enacted by PL 1989, c. 512,  
is amended to read:

6       6. **Terminal.** "Terminal" means any electronic video screen  
data presentation machine, commonly called video display  
8 terminals, VDTs, or cathode-ray tubes, CRTs. The term does not  
apply to television or oscilloscope screens, except to the extent  
10 that they are used as terminals for presentation of verbal or  
numerical data. The term does not apply to cash registers or  
12 memory typewriters.

14       Sec. 2. 26 MRSA §§253 to 256 are enacted to read:

16       §253. Requirements

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

22       1. Work station standards. Every employer shall provide  
user-adjustable work stations and chairs that meet the following  
24 minimum requirements.

26       A. Seats of chairs must be user-adjustable for height and  
backrests must be user-adjustable to positions behind and  
28 forward of the vertical position.

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

32       C. The video display terminal table must have a  
height-adjustable and angle-adjustable platform for the  
34 video display screen.

36       D. The video display terminal table must have a  
height-adjustable and angle-adjustable sliding keyboard  
38 platform. This requirement may be satisfied by use of a  
video display unit equipped with an angle-adjustable  
40 keyboard.

42       E. All video display terminals must be equipped with  
detachable keyboards.

44       F. The employer must provide a copyholder, the position and  
46 angle of which can be adjusted by the user.

48       G. Office lighting must be indirect, or direct lighting  
must be shielded by appropriate parabolic or polarized  
50 louvers or panels. Where individual work station lighting

2 is provided, it must be adjustable by the user so that it  
3 may be directed at the reference materials and not at the  
4 screen surface.

6 H. Direct light, surface reflections and glare must be  
7 reduced by use of the following methods, as appropriate.

8 (1) A video display terminal must be positioned in  
9 relation to artificial and natural light sources in  
10 such a way as to minimize direct light and glare  
11 reflected from the video display screen into the  
12 operator's eyes.

14 (2) A video display screen, at the operator's request,  
15 must be fitted with a contrast enhancement filter or  
16 mesh screen.

18 I. Direct noise must be reduced by placing covers over  
19 impact printers or by isolating sources of noise such as  
20 impact printers from the rest of the work environment.  
21 Reflected noise from these sources must be reduced by the  
22 use of sound-absorbing materials in the work environment.

24 2. Terminal maintenance. Every employer shall provide for  
25 the semiannual maintenance of all terminals to ensure clear  
26 presentation of display and proper functioning of all display  
27 adjustments.

28 3. Work breaks. Employers shall provide flexible work  
29 breaks, as required by the nature and intensity of the work, for  
30 all operators. Such work breaks must be consistent with the  
31 terms of existing collective bargaining agreements in effect, if  
32 any. The following minimum standards apply.

34 A. An operator may not be required to perform steady  
35 terminal work for longer than 8 hours each day.

38 B. An operator may not be required to work at a terminal  
39 continuously for more than 2 hours without a 15-minute break  
40 as a paid rest period provided that an employer may reassign  
41 an operator to other appropriate work away from the terminal  
42 rather than provide a 15-minute rest period. This  
43 alternative work is considered part of the working day. The  
44 work break provided for by this paragraph does not entitle  
45 an employee to refuse to perform other suitable and  
46 appropriate work assigned to that employee, consistent with  
47 the provisions of any existing collective bargaining  
48 agreement.

2           4. Vision examinations. An individual who is to be  
3 assigned as an operator and has given written consent must  
4 receive an ophthalmological or optometric examination conforming  
5 to the recommended components of an eye and vision examination  
6 established by the American Optometric Association. The  
7 examination must focus on diagnosis of the operator's specific  
8 visual correction needs for the job. The examination must be  
9 made before, or within 30 days after, the employee begins an  
10 assignment. Additional examinations must be made in each  
11 subsequent year the operator is so employed. Employees assigned  
12 as operators prior to the effective date of this section must  
13 receive such an examination within 90 days after the effective  
14 date of this section and again in each subsequent year.

15           The employer shall grant an operator, without penalty and with  
16 compensation at the operator's normal rate, leave from employment  
17 during paid work hours for baseline and annual vision  
18 examinations.

19           The employer shall provide access to a list of all licensed  
20 ophthalmologists and optometrists within the pertinent community  
21 to operators and shall permit operators to select the provider of  
22 the examination, except as otherwise provided under any  
23 previously or subsequently negotiated group health care agreement  
24 or policy or collective bargaining agreement.

25           An employer may not use the results of an ophthalmological or  
26 optometric examination required by this section to screen  
27 prospective operators for suitability for employment.

28           Every employer shall maintain records sufficient to verify its  
29 compliance with this subsection.

30           An operator who declines the ophthalmological or optometric  
31 examination shall do so in writing. This declination may be  
32 rescinded at any time.

33           5. Employee education and training. Employers shall  
34 establish an education and training program for all operators,  
35 which must inform operators orally and in writing of the actual  
36 and potential health hazards to which they are exposed in the  
37 course of their employment as operators. This training and  
38 education must include, at a minimum:

39           A. Notification of the rights and duties created under this  
40 subchapter. The employer shall post in a prominent location  
41 in the workplace a copy of the law and provide to each  
42 operator a written notice that explains these rights and  
43 duties in plain language; and

2 B. Notification of health hazards and physical symptoms  
3 associated with terminal use, including, but not limited to:

4 (1) Deterioration of visual acuity, either temporary  
5 or permanent;

6 (2) Headaches, burning of eyes and the effects of  
7 normal and excessive terminal flicker;

8 (3) Musculoskeletal problems and cumulative trauma  
9 disorders;

10 (4) Current data on the relationship between video  
11 display terminal use and the incidence among operators  
12 of reproductive dysfunction, miscarriage and birth  
13 defects; and

14 (5) An explanation or description of the precautions  
15 and protective measures that the operator can take to  
16 avoid, minimize or alleviate these symptoms, conditions  
17 or disorders.

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22 The bureau shall prepare on an annual basis a safety manual based  
23 on appropriate, current and pertinent data, which employers shall  
24 distribute to employees through the education and training  
25 program. The bureau shall also serve as a clearinghouse for  
26 information regarding workplace safety relative to the use of  
27 terminals.

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30 Employers shall provide current operators with the education and  
31 training program within 6 months after the effective date of this  
32 section, and annually thereafter. Beginning 6 months after the  
33 effective date of this section, employers shall provide all new  
34 operators with the education and training program within the  
35 first month of employment as operators.

36 **§254. Employees' rights**

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38 The rights and duties of employers and employees with regard  
39 to employees' reports of violations of this subchapter to the  
40 employer or a public body are governed by the Whistleblowers'  
41 Protection Act.

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43 **§255. Penalties**

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45 An employer who violates this subchapter or any rule or  
46 order adopted or issued by the bureau to carry out or supplement  
47 this subchapter commits a civil violation for which a forfeiture  
48 of not more than \$300 for each violation may be adjudged. For  
49 purposes of this section, each day of a continuing violation  
50 constitutes a separate violation.

2 §256. Administration and enforcement

4 The bureau shall administer and enforce the provisions of  
6 this subchapter and shall make and enforce reasonable rules for  
8 the enforcement of this subchapter pursuant to Title 5, chapter  
375. The bureau, through its officers or agents, may inspect any  
workplace where terminals are used.

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STATEMENT OF FACT

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This bill provides for the occupational safety and health of operators of video display terminals by requiring public and private employers to implement minimum standards to avoid, alleviate or mitigate health and safety hazards. These standards include:

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1. Safe workplace conditions;

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2. Periodic maintenance of terminals;

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3. Employee education and training programs regarding the hazards and symptoms of video display terminal operation, and procedures for proper terminal operation;

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4. Annual eye examinations; and

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5. Periods of rest or alternative work away from the terminal.

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Penalties of up to \$300 per violation are provided, with administration and enforcement by the Bureau of Labor Standards.