

Form #1

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2002 AUG 15 P 2:35

WEST VIRGINIA
SECRETARY OF STATE

AGENCY: WV Office of Miners Health Safety & Training TITLE NUMBER: 56CSR10

RULE TYPE: Legislative CITE AUTHORITY: 22A-1-6

AMENDMENT TO AN EXISTING RULE: YES___NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 10

TITLE OF RULE BEING PROPOSED: Rules Governing Reporting Requirements for
Independent Contractors

DATE OF PUBLIC HEARING: October 1, 2002 TIME: 10:00 am

LOCATION OF PUBLIC HEARING: BOARD OF COAL MINE HEALTH AND SAFETY
1591 WASHINGTON STREET EAST
CHARLESTON, WV 25311
558-3721

COMMENTS LIMITED TO: ORAL ☐, WRITTEN ☐, BOTH ☒
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

BOARD OF COAL MINE HEALTH AND
AND SAFETY
1591 WASHINGTON STREET EAST
CHARLESTON, WV 25311

Authorized Signature

\$3.40

TITLE 56
LEGISLATIVE RULE
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

FILED

SERIES 10
RULE GOVERNING REPORTING REQUIREMENTS
FOR INDEPENDENT CONTRACTORS

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

56-10-1. General.

1.1. Scope. -- This rule governs reporting requirements for independent contractors registered with the WV Office of Miners' Health, Safety and Training.

1.2. Authority. -- W. Va. Code 22A-1-6

1.3. Filing Date. -- August 15, 2002

1.4. Effective Date. -- October 1, 2002

1.5. Applicability. -- This rule applies to each independent contractor registered with the WV Office of Miners' Health, Safety and Training as required by West Virginia Code 22A-6-63(e).

56-10-2. Effect of Law and Rule.

2.1. This rule has the effect of law and violations are a violation of law and so cited with the same effect as law.

56-10-3. Reporting Requirements.

3.1. On or before the end of each calendar month, each independent contractor registered with the West Virginia Office of Miner's Health, Safety and Training as required by West Virginia Code 22A-2-63(e), shall file with the Director a report covering the preceding calendar month on forms approved by the Director. Such report shall contain the following information for each mine(s) where independent contractors performed work or provided services:

- (1) The total number of employees performing services at a mining operation.
- (2) The total days and employee hours worked at a mining operation.
- (3) The total reported accidents and occupational injuries that occurred to employees while performing services at a mining operation pursuant to Series 19.
- (4) The mines(s) identification number where employee hours were worked and/or where the accident or occupation injury occurred.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rule Governing Reporting Requirements for Independent Contractors

Type of Rule: X Legislative Interpretive Procedural

Agency: WV Office of Miners' Health, Safety and Training

Address: 1615 Washington Street East
Charleston, WV 25311-2126
(304) 558-1425

Contact: Doug Conaway EMAIL: jdconaway@mines.state.wv.us

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

The proposed rule will have no financial effect on the agency's budget.

3. Objectives of These Rules:

To require independent contractors to report employee information that will require independent contractors to the same standards as mine operators.

Rule Title: Rule Governing Reporting Requirements for Independent Contractors

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

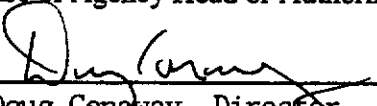
The rule will require minimal paperwork to meet filing requirements. Independent contractors should already have the requested information for payroll.

C. Economic Impact on Citizens/Public at Large.

None

Date: AUGUST 15 2002

Signature of Agency Head or Authorized Representative:



Doug Conaway, Director
WV Office of Miners' Health, Safety & Training

BRIEF SUMMARY

Title 56 Series 10

The proposed regulation requires that on or before the end of each calendar month, each independent contractor registered with the WV Office of Miners Health Safety and Training file a report covering the preceding month providing information on the number of employees, days and hours worked, any accidents and injuries, and the mining operations where employee hours were worked and/or where accidents or injuries occurred.

BRIEF FACTS AND CIRCUMSTANCES

Title 56 Series 10

Given the agency's mission of helping to assure that all people working at mine sites are provided with a reasonably safe working environment it is essential that data pertaining to employee hours worked by independent contractors be reviewed. The same data has been received from mine operators for many years. This data is used to compute relevant statistical information that is used for comparison and evaluation purposes. Such information is also critical in the development of appropriate safety programs to effectively address health and safety issues more correctly. There is no alternative equally effective method of computing appropriate health and safety comparison statistics.



BUREAU OF COMMERCE

Bob Wise, Governor • Alisa Bailey, Commerce Bureau Chief

August 14, 2002

Doug Conaway, Director
Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311

Dear Director Conaway:

Upon review of your request to file a procedural rule under Title 56, Series 10, which governs reporting requirements for independent contractors registered with the West Virginia Office of Miners' Health, Safety and Training, I find your proposed rule satisfactory and approve your filing of the regulations. A copy of the proposed rule is attached for the record.

Sincerely,

A handwritten signature in black ink, appearing to read "Alisa", with a long, sweeping horizontal line extending to the right.

Alisa L. Bailey
Commerce Bureau Chief

/cfd