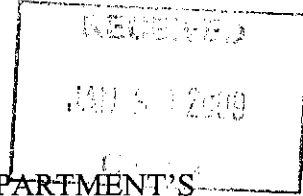


EXHIBIT C



TO: ALL PARTIES COMMENTING ON THE LABOR DEPARTMENT'S PROPOSED REGULATIONS CONCERNING CONSTRUCTION AND SAFETY HEALTH COURSES AND PROGRAMS FOR CERTAIN EMPLOYEES ON PUBLIC WORKS PROJECTS

On September 16, 2008, the Connecticut Department of Labor (CTDOL) published in the Connecticut Law Journal its Notice of Intent to Adopt Regulations concerning Construction Safety and Health Courses and Programs for Certain Employees on Public Works Projects. A thirty-day public comment period commenced on that date, and a public hearing was held in CTDOL's Wethersfield office on October 9, 2008. The following parties attended the public hearing and/or provided written or oral comments, or otherwise expressed interest within the thirty-day public comment period in receiving the final version of the proposed regulations:

Benedict Cozzi, Business Manager and President
International Union of Operating Engineers
Local 478
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Hamden, CT 06514

Sean Daly
IBEW
Local Union 90
240 Chesire Road
Meriden, CT

Paul Costello
IBEW
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Wallingford, CT 06492

Brian Canny
JATC Training Director & Safety Officer
Hartford Electricians JATC
208 Murphy Road
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Shaun Cashman
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Michael D'Amico
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Phillip Cundiff
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Kyle Zimmer
Operating Engineers Local 478
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Director of Government Relations
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Hartford, CT 06106

Paula Cicchetti
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New Britain, CT

The CTDOL has considered the comments received and has made the modifications noted below to the proposed regulations. A copy of the final draft of the regulations is attached. The following is a summary of the comments received and the action taken in response to those comments. The Agency response to each comment appears in bold immediately following the comment.

I. Comments of Sean Daly of IBEW 90 at Public Hearing:

- (1) Public Act 08-83 and the proposed regulations appear to apply a separate standard of safety training for telecommunications employees pursuant to 29 C.F.R. § 1910.268 that does not apply to construction work. For purposes of OSHA

training, there should be no difference in the training requirements for any employee that is working on the same public works project.

CTDOL Response: Subsection (a) of Public Act 08-83 provides in relevant part:

... any person performing the work of a mechanic, laborer or worker pursuant to the classifications of labor under section 31-53 on such public works project... 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 or, has completed 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, has completed at least ten hours of training in accordance with 29 CFR 1910.268.*

(Emphasis Supplied.)

The above language requires each employee who is engaged in telecommunications duties on a public works project to obtain the training specified in 29 C.F.R. § 1910.268. The language of the public act is plain and unambiguous in its reference to 29 C.F.R. § 1910.268. Therefore, the language of the proposed regulation is unchanged.

II. Written Comments of Sean Daly of IBEW 90 Submitted on October 15, 2008:

- (1) Federal OSHA does not currently reissue OSHA 10-hour or 30-hour cards. How and who will provide the refreshed OSHA cards?

CTDOL Response: Subsection (c) of Public Act 08-83 provides in relevant part:

...The Labor Commissioner shall accept as sufficient proof of compliance with the provisions of subsection (a) or (b) of this section a student course completion card issued by the federal Occupational Safety and Health Administration Training Institute, or such other proof of compliance said commissioner deems appropriate, *dated no earlier than five years before the commencement date of such public works project.*

(Emphasis supplied.)

The CTDOL acknowledges the concerns expressed in the comment. The authorizing public act makes a single reference to the effective date of safety course completion cards in subsection (c) quoted above. This subsection invalidates a card older than “five years before the commencement date of such public works project,” but it does not expressly provide conditions for renewal or address retraining requirements for employees with such expired cards. Although the Act does not in any manner

reference OSHA 30 cards, which on their face evidence more intensive safety training, an OSHA 30 card shall satisfy OSHA 10 requirements for purposes of these proposed regulations. In the absence of a statutory change, the agency is not able to institute any substantive modifications to the statute as written. The General Assembly may enact legislation speaking to these issues in the future.

(2) Current amendment needs provision for refresher course.

CTDOL Response: CTDOL reiterates and incorporates in its entirety the response provided in Comment II(1) above.

(3) Do we provide this: Construction Safety Course curriculum for any worker whose OSHA 10 or OSHA 30 card is outside the 5 year window?

CTDOL Response: The public act is silent on this issue.

(4) Also, how will CTDOL provide to employees verification of compliance?

CTDOL Response: Section 31-53b-3 of the proposed regulations provides that “[e]ach contractor... shall furnish proof ... with the weekly certified payroll form.” With respect to Sections 31-53b-3 and 31-53b-4 of the proposed regulations, a contractor’s responsibility shall be limited to affixing a copy of the completion document to the certified payroll. Verification of compliance by the CTDOL in regard to verifying the authenticity or accuracy of the completion document will take the form of an investigation and enforcement action pursuant to Section 31-53b-5 of the proposed regulations.

(5) We also would not want to see an on-line course, people who will take the course must show current OSHA card along with identification.

CTDOL Response: The public act is silent on this issue. CTDOL reiterates and incorporates in its entirety the response provided in Comment II(1) above.

III. Comments of Paul Costello

(1) For purposes of this public act, telecommunications employees should be treated identically to mechanics, laborers and other workers on public works projects.

CTDOL Response: CTDOL reiterates and incorporates in its entirety the response provided in Comment I(1) above.

(2) For purposes of Section 31-53b-2(c) of the proposed regulations, does the public act or the proposed regulations provide for an updated OSHA 10 or 30 card, or a

refresher course in light of the fact that such cards currently contain no expiration dates.

CTDOL Response: CTDOL reiterates and incorporates in its entirety the response provided in Comment II(1) above.

IV. Comments of Brian W. Canny

- (1) All workers, including telecommunications workers, on public works projects should be required to meet the same safety and health training requirements.

CTDOL Response: CTDOL reiterates and incorporates in its entirety the response provided in Comment I(1) above.

- (2) Will there be a refresher training course for employees whose card is dated more than five years prior to the commencement date of the project similar to that required of OSHA trainers whose certification is renewed every four years?

CTDOL Response: CTDOL reiterates and incorporates in its entirety the response provided in Comment II(1) above.

V. Comments of Shaun Cashman

- (1) No employee engaged in construction on a public works project should be exempt from the 10-hour training requirements contained in the proposed regulations.

CTDOL Response: The authorizing public act, Public Act 08-83, expressly restricts the applicability of the required training to persons “performing the work of a mechanic, laborer or worker pursuant to the classifications of labor under section 31-53 on such public works project.” See Public Act No. 08-83, Section 1(a). Accordingly, any person performing duties on a public works project who is not classified pursuant to Conn. Gen. Stat. § 31-53 is not subject to the requirements of the Act.

VI. Comments of Kyle Zimmer, Union Local 478 of the Operating Engineers

- (1) Does the Connecticut Labor Department have any criteria or subject matter at the present time to provide to certified OSHA trainers which the Department would like to see offered in a refresher course?

CTDOL Response: No, because the public act is silent on this issue, and there is no requirement for the Connecticut Labor Department to adopt criteria for refresher courses.

VII. Comments of Michael D'Amico

- (1) The public act and the proposed regulations require telecommunications employees to be trained in accordance with 29 C.F.R. 1910.268, which is a general industry standard, and which is lower than the construction standards imposed on other persons covered by the public act and the proposed regulations. All persons working on a public works project should be held to the same safety and health standards.

CTDOL Response: CTDOL reiterates and incorporates in its entirety the response provided in Comment I(1) above.

- (2) How does the public act or the proposed regulations affect those employees who possess a 30-hour OSHA card that is dated more than five years earlier than the commencement date of the public works project?

CTDOL Response: CTDOL reiterates and incorporates in its entirety the response provided in Comment II(1) above.

VIII. Comments of Phillip Cundiff of the City of Stamford, CT

- (1) Regarding Section 31-53b-4 of the proposed regulations, which requires the employer on a public works project to affix a copy of the course completion document to the certified payroll which is submitted to the contracting agency, is there any duty on the contracting agency to verify the authenticity or accuracy of the course completion document?

CTDOL Response: CTDOL reiterates and incorporates in its entirety the response provided in Comment II(4) above. Section 1(b) of Public Act No. 08-83 provides in relevant part that “[t]he Labor Commissioner... shall enforce this section.” Moreover, Section 31-53b-5 of the proposed regulations provides that the Labor Commissioner will investigate, enforce and determine compliance with the act. In the absence of any language delegating any verification responsibilities to the contracting agency, the CTDOL determines that all enforcement and compliance issues will be the responsibility of the Connecticut Labor Department.

IX. Modifications Made by CTDOL

- (1) The Labor Department proposes modifying the title of Section 31-53b-3 as follows:

Deleting the title "Verification of Compliance" and substituting the title of "Contractor Responsibility" in its place.

The rationale for the change is to clarify that the responsibility of the contractor is to obtain from the employee and affix the completion document to the certified payroll. By deleting the former title "Verification of Compliance," CTDOL intends to reinforce that the contractor has no responsibility to verify the authenticity or accuracy of the completion document which it affixes to the certified payroll.

(2) The Labor Department proposes modifying the title of Section 31-53b-5 as follows:

Inserting the words "Investigation and" before the word "Enforcement."

The rationale for the change is to indicate that the CTDOL shall have the authority to conduct investigations of alleged violations of the Public Act and of these proposed regulations.