

March 15, 1999

S 370. OSHA WITNESS STATEMENTS. CLARIFYING WHEN WITNESS STATEMENTS OBTAINED PURSUANT TO THE ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT MAY BE RELEASED. Amends GS 95-136-(e1) to prevent disclosure of witness identity to any employer or third party during the pendency or after final determination of proceedings unless the Commissioner needs their testimony or statements to enforce the OSHA laws. Upon motion of the respondent, the Commissioner must produce the witness' statement that relates to the subject matter about which the witness will testify.

Intro. by Ballance.

Ref. to Judiciary I

GS 95

April 22, 1999

S 370. OSHA WITNESS STATEMENTS. Intro. 3/15/99. Senate committee substitute makes the following changes to 1st edition. Amends GS 95-136(e) to provide that except subject to section (e1), an employer cited under the provisions of the article is entitled to receive a copy of the official inspection report that is the basis for the citations. Amends GS 95-136(e1) to provide that upon written request of and at the expense of the requesting party, official inspection reports of inspections conducted pursuant to this article shall be available for release, subject to provisions of subsections (e) and (e1). Witness statements that are in the witness's or complainant's handwriting, upon the request of and at the expense of the requesting party, shall be transcribed so that the information would not name or otherwise identify the witness. Provides the comm'r shall make available to the employer 10 days prior to a scheduled enforcement hearing unredacted copies of the witness statements the comm'r intends to use at the enforcement hearing or the statements of witnesses the comm'r intends to call to testify, provided a written request for the statement is received by the comm'r no later than 12 days prior to the enforcement hearing.

July 13, 1999

S 370. OSHA WITNESS STATEMENTS. Intro. 3/15/99. House amendment makes the following changes to 2nd edition. Changes effective date to Oct. 1, 1999.

July 14, 1999

S 370. OSHA WITNESS STATEMENTS. Intro. 3/15/99. House amendment makes the following changes to 2nd edition. Adds to information Comm'r must furnish to employer upon request, statements of witnesses whom Comm'r does not intend to use that might support an employer's affirmative defense or otherwise exonerate employer.