

SENATE No. 835

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure safe and healthy public higher education campuses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam Gomez</i>	<i>Hampden</i>	
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/25/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/25/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/25/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>3/4/2021</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>3/4/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>3/4/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>3/4/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/4/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/4/2021</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>3/11/2021</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/18/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/29/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/29/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>3/30/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>4/5/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>4/21/2021</i>

Marc R. Pacheco
Diana DiZoglio

First Plymouth and Bristol
First Essex

5/12/2021
7/20/2021

SENATE No. 835

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 835) of Adam Gomez, Carmine Lawrence Gentile, Adam J. Scanlon, Jack Patrick Lewis and other members of the General Court for legislation to ensure safe and healthy public higher education campuses. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to ensure safe and healthy public higher education campuses.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure the health and safety of the commonwealth’s public higher education students, employees and communities during the 2019 novel coronavirus pandemic, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law, rule or regulation to the
2 contrary, public institutions of higher education as described in section 5 of chapter 15A shall
3 implement systems of COVID-19 testing for students and employees on every campus, provided,
4 however, that the University of Massachusetts at Worcester shall be exempt from the application
5 of this section.

6 The systems of COVID-19 testing shall include:

7 a. Daily symptom monitoring for all students and employees.

8 b. The capacity to test students and staff in accordance with the following schedule:

9 1) Undergraduate or graduate students who reside on campus shall be tested twice a
10 week.

11 2) Undergraduate or graduate students who reside off-campus who come onto campus for
12 face-to-face classes, research, or work shall be tested twice a week.

13 3) Employees who work in campus health care facilities or who provide in-person health
14 care services shall be tested twice a week.

15 4) Employees who teach on campus or conduct research on campus or work on campus
16 shall be tested once a week.

17 5) Close contacts of students or employees who test positive shall be tested as needed.

18 6) Symptomatic students or employees shall be tested as needed.

19 c. The capacity to provide test results within 36 hours of the time of testing.

20 d. The capacity to provide information and support for individuals, who may be students,
21 employees, or close contacts of students or employees, who test positive, and the requirement
22 that such individuals isolate in a manner and period of time consistent with guidelines from the
23 Centers for Disease Control and Prevention and state and local public health officials.

24 e. Space on campus for individuals who have tested positive who must isolate.

25 f. Contact tracing for individuals within 24 hours of their receipt of a positive test result.

26 g. Notification to students or employees who are close contacts of an individual who
27 received a positive test result, without revealing the identity of the tested individual, and in

28 accordance with medical privacy laws and regulations, within 24 hours of the close contact being
29 identified.

30 h. Notification to employee organizations, as defined in section 1 of chapter 150E, whose
31 unit members may include close contacts of an individual who received a positive test result,
32 without revealing the identity of the tested individual, and in accordance with medical privacy
33 laws and regulations, within 24 hours of the close contact being identified. Notification shall
34 indicate the physical location in which the close contact was working. Unions may provide
35 information from the notification to their unit members on a need-to-know basis, to be
36 determined by location or likelihood of exposure to the individual who received a positive test
37 result, so that potential exposed employees may take appropriate protective measures.

38 i. Monitoring of infection rates among students and employees and daily updates of
39 infection rate information will be posted in a central online location such as the website for the
40 campus of the public institution of higher education.

41 A close contact is defined as someone who (1) was within 6 feet of a person infected with
42 COVID-19 for a cumulative total of 15 minutes or more over a 24-hour period starting from 2
43 days before illness onset until the time the patient is isolated; or (2) was within 6 feet of an
44 asymptomatic patients for a cumulative total of 15 minutes or more over a 24-hour period
45 starting from 2 days prior to being tested to time the patient is isolated; or (3) had direct physical
46 contact with a probable or confirmed COVID-19 case; or (4) was involved in direct care for a
47 patient with probable or confirmed COVID-19 disease without using adequate personal
48 protective equipment.

49 Said testing programs, including but not limited to service provider contracts, testing
50 supplies, personal protective equipment, and compensation for staff associated with testing, shall
51 be operated at no cost to the public institutions of higher education and shall be paid for by
52 available state funds or eligible federal funds committed to the commonwealth to provide
53 financial assistance in response to the COVID-2019 pandemic. The testing programs shall be
54 operated in accordance with the provisions of Chapter 150E of the General Laws. Nothing in
55 this section shall restrict or limit more protective or stringent mandates from public institutions
56 of higher education or local governments in response to the COVID-2019 pandemic.

57 SECTION 2. Notwithstanding any general or special law, rule or regulation to the
58 contrary, and in accordance with guidance issued by the Department of Public Health, the
59 Department of Labor Standards, the Occupational Safety and Health Administration, the Centers
60 for Disease Control and Prevention, and best practices, public institutions of higher education as
61 described in section 5 of chapter 15A shall enact policies to ensure that employees and students
62 on all campuses have access to face coverings, masks and other personal protective equipment to
63 prevent exposure to COVID-19, and that employees have access to any additional personal
64 protective equipment necessary for conducting COVID-19 testing. Said personal protective
65 equipment for employees shall be appropriate to the risk of exposure to COVID-19 for the
66 particular work setting for each employee.

67 Each public institution of higher education shall enforce its policy with respect to the use
68 of personal protective equipment by students and employees. The enforcement of the policy
69 with respect to employees shall be consistent with the provisions of Chapter 150E of the General
70 Laws or any agreements entered into in accordance with Chapter 150E of the General Laws.

71 Said personal protective equipment, and any additional personal protective equipment
72 necessary for conducting COVID-19 testing shall be provided at no cost to the public institutions
73 of higher education, and shall be paid for by available state funds or eligible federal funds
74 committed to the commonwealth to provide financial assistance in response to the 2019 novel
75 coronavirus pandemic. Nothing in this section shall restrict or limit more protective or stringent
76 state or local government mandates, policies or guidance in response to the 2019 novel
77 coronavirus pandemic; provided further, that nothing shall restrict or limit more protective or
78 stringent policies with respect to personal protective equipment that are agreed to through
79 collective bargaining.

80 SECTION 3. Section 7A of chapter 15A is hereby amended by striking subsection (b) in
81 its entirety and inserting in place thereof the following subsection:-

82 (b) The board, in consultation with the presidents of the state universities and community
83 colleges, shall identify peer institutions for the state universities and community colleges. The
84 higher education accountability objectives shall include, but not be limited to, the following: (1)
85 making public higher education more affordable; (2) improving student access and academic
86 achievement; (3) recruiting qualified students; (4) responding to specific needs of the workplace,
87 as defined by business and labor; (5) providing policy research addressing the needs of the
88 commonwealth and local communities; (6) ensuring cost-effective use of resources at each
89 institution and across all institutions, and manage campuses as efficiently as possible; (7)
90 promoting collaboration among the campuses and with the private sector; (8) supporting early
91 childhood to grade 12 education programs; (9) maximizing fundraising from private sources; and
92 (10) maintaining healthy and safe campuses, including maintaining adequate pandemic planning.

93 SECTION 4. Said section 7A of chapter 15A is hereby further amended by striking
94 subsection (i) in its entirety and inserting in place thereof the following subsection:-

95 (i) The board of trustees of the University of Massachusetts shall develop a performance
96 measurement system for the university, in consultation with the secretary and the board of higher
97 education. The objectives of the performance measurement system shall be: (1) to promote
98 student access and affordability; (2) to recruit qualified undergraduate and graduate students; (3)
99 to promote student success; (4) to pursue theoretical and applied research, scholarship and
100 creative activity; (5) to contribute to the economic development of the commonwealth; (6) to
101 support early childhood to grade 12 education programs; (7) to provide policy research
102 addressing the needs of the commonwealth and local communities; (8) to ensure cost-effective
103 use of resources; (9) to maximize fundraising from private sources; and (10) maintaining healthy
104 and safe campuses, including maintaining adequate pandemic planning. The system shall include
105 performance indicators for each of these purposes and identify data to be used in measuring
106 performance. The board of trustees shall compare institutional performance with the performance
107 of peer institutions with similar missions as part of its evaluation process.

108 SECTION 5. Chapter 149 of the General Laws is hereby amended by inserting the
109 following new section:

110 Section 117B: Ventilation in Public Higher Education Facilities

111 a. Definitions

112 As used in this section, the following words shall, unless a different meaning clearly
113 appears from the context, have the following meanings:

114 "Advanced technologies" means Ultraviolet Germicidal Irradiation (UVGI) or Bipolar
115 ionization or other processes or devices for deactivating airborne viruses or airborne virus
116 particles or other airborne agents of disease.

117 "ASHRAE Standard 170" means ANSI/ASHRAE/ASHE Standard 170, Ventilation of
118 Health Care Facilities.

119 "Air changes per hour" means a measure of the fresh air volume added to or removed
120 from a space in one hour, calculated by dividing the outdoor air supply volume in cubic feet per
121 hour by the volume in cubic feet of the occupied space; provided, however, that said calculation
122 may include filtered air as part of the outdoor air supply volume in an amount consistent with the
123 efficiency rating of the filters used to condition the air.

124 "Board of Higher Education" or "Council" means the Board of Higher Education as
125 described in Section 4 of Chapter 15A.

126 "Campus building" means any structure owned or operated by an institution of higher
127 education, which is used for educating students, or which contains workspace for employees.

128 "Declaration of a pandemic" means the characterization by the World Health
129 Organization of an infectious disease outbreak as a pandemic; or a declaration related to an
130 infectious disease outbreak by the federal Department of Health and Human Services of a public
131 health emergency in accordance with section 319 of the Public Health Service Act (42 U.S.C.
132 247d); or a declaration of a state of emergency related to an infectious disease outbreak by the
133 Governor of the Commonwealth in accordance with Chapter 639 of the Acts of 1950 and Section
134 2A of Chapter 17 of the General Laws.

135 "Department" means the Department of Labor Standards.

136 "Employee organization" means any lawful association, organization, federation, council,
137 or labor union as defined in section 1 of chapter 150E of the General Laws.

138 "Filtered air" means air that has been a) conditioned induct, in air handling units, or in
139 other components of a ventilation system, by filters with a MERV-13 or higher efficiency rating,
140 or b) conditioned by a portable air cleaner.

141 "Fresh air" means outdoor air free of outdoor air pollutants, or a combination of such
142 outdoor air and filtered air.

143 "Institution of Higher Education" means the University of Massachusetts campuses set
144 forth in Chapter 75, provided, however, that the University of Massachusetts at Worcester shall
145 not be included in the requirements of this section; and State Universities and/or Community
146 Colleges set forth in Chapter 15A and Chapter 73.

147 "Occupied space" means, unless otherwise specified, any area in a campus building used
148 for educational, administrative, medical, toileting, or any specific purpose other than storage,
149 including but not limited to classrooms, auditoriums, offices, hallways, laboratories, dormitories,
150 dining facilities.

151 "Outdoor air" means air introduced from outside a campus building from intakes free of
152 contaminated air.

153 "Personal protective equipment" means equipment worn to minimize exposure to hazards
154 from infectious disease, including, but not limited to, gloves, face shields, masks, safety glasses,
155 respirators, coveralls, or full body suits.

156 "Portable air cleaner" means a portable high-efficiency particulate air (HEPA)
157 fan/filtration device or system with an appropriate clean air delivery rate.

158 "Relative humidity" means the amount of water vapor present in air expressed as a
159 percentage of the amount needed for saturation at the same temperature.

160 "This section" means Section 117B of Chapter 149 of the General Laws.

161 "Ventilation" means the supply of fresh air, heat, and air conditioning (if available) to
162 occupied space and the simultaneous removal by an exhaust system of air from an occupied
163 space.

164 "Ventilation system" means the building system and its component parts dedicated to
165 ventilation.

166 b. The Department shall, no later than 9 months after effective date of this section, in
167 consultation with and with guidance from the Occupational Health and Safety Hazard Advisory
168 Committee as described in section 6 ½ (c) of chapter 149, promulgate regulations related to
169 ventilation in institutions of higher education consistent with subsections c through f below.

170 c. Minimum Ventilation Requirements

171 1) Except as otherwise indicated in subsection c (2), as soon as practicable but no later
172 than two years after the effective date of this section, ventilation systems in campus buildings
173 must provide ventilation to all occupied spaces, that meets at least one of the following
174 measures:

175 i. A minimum of 4 air changes per hour of fresh air

176 ii. A minimum of 20 cubic feet per minute of outdoor air per person

177 iii. A maximum of 800 parts per million of carbon dioxide

178 2) The ventilation systems of bathrooms in campus buildings must comply with the
179 current Massachusetts Building Code.

180 3) Unless provided for in any general or special law, rule or regulation, ventilation
181 systems in campus buildings on an institution of higher education must maintain temperatures in
182 occupied spaces between 66 degrees Fahrenheit and 78 degrees Fahrenheit.

183 d. Pandemic requirements

184 In the event of the declaration of a pandemic, campus buildings must meet the following
185 measures:

186 1) The ventilation system must provide sufficient ventilation to all occupied spaces
187 except those specified in (i) and (ii) below, to reduce the risk of airborne transmission of disease
188 by 95%, through the use of fresh air, portable air cleaners, or advanced technologies; provided,
189 however, that the following areas must meet additional requirements:

190 i. The ventilation system in nurses' offices and designated medical waiting areas must
191 comply with ASHRAE Standard 170.

192 ii. Bathrooms must have working exhaust systems capable of maintaining negative air
193 pressure relative to the rest of the campus building; exhaust systems must run constantly.

194 2) The relative humidity shall be maintained at between 40% and 60%

195 3) Institutions of higher education must provide sufficient disinfectants, cleaning and
196 handwashing areas, and personal protective equipment to comply with legal requirements and
197 best practices as defined by guidance from governmental public health entities, public health
198 research institutions, or occupational health research institutions

199 e. The ventilation requirements described in sections c and d above shall be minimum
200 requirements and shall not substitute for or detract from additional statutory, regulatory, or code
201 requirements applicable to occupied areas dedicated to specific or technical uses, including but
202 not limited to laboratories, power plants, computer centers, dining areas, dormitories, or health
203 services facilities.

204 f. Testing, adjustment and balancing.

205 Institutions of higher education shall ensure that ventilation systems in all campus
206 buildings meet and continue to meet the requirements in subsections c and d above by
207 completing the following activities:

208 1) Conduct testing, adjustments, balancing, and repairs, which shall consist of:

209 i. An assessment of the ventilation system in each campus building to determine if each
210 campus building meets the requirements of subsections c and d above, including but not limited
211 to measuring outdoor supply air volume, total supply air volume, exhaust air volume, the volume
212 of all occupied spaces, and calculating air changes per hour in each occupied space, and
213 including providing an inventory of personal protective equipment currently available for use in
214 each campus building. This will be completed as soon as practicable but no later than 18 months
215 after the effective date of this section.

216 ii. The entity performing the assessment described in (f)(1)(i) above shall issue a report of
217 the results of the assessment, including the methods used, and results of the measurements and
218 calculation of air changes per hour.

219 iii. The report described in section (f)(1)(ii) shall be a public record as defined in section
220 10(a) of Chapter 66 and section 7, part 26 of Chapter 4, and shall be posted on the website for
221 each campus building or institution of higher education, and on the website of the Department of
222 Higher Education no later than 30 days after completion of the assessment. Physical copies of
223 the report shall be kept on file in the main library for each campus, and in the primary campus
224 administrative office, and shall be available for review or copying upon request of any person.

225 iv. If, after assessment, occupied spaces in campus buildings are determined not to meet
226 the requirements of subsections c and d above, as soon as practicable, but no more than 9 months
227 after completion of the first assessment, institutions of higher education must complete
228 adjustments, repairs or upgrades, and balancing sufficient to meet the requirements of
229 subsections c and d above, and must conduct a post-remediation assessment in accordance in
230 sections (f)(1)(i-ii) above to confirm that ventilation requirements are being met and that supplies
231 of materials described in subsection d (3) are adequate.

232 v. Reports documenting the repairs and upgrades made, and the confirmation through
233 assessments that the requirements of subsection d above have been met, shall be public records,
234 and shall be posted on the website for each campus building website for each campus building or
235 institution of higher education, and on the website of the Department of Higher Education no
236 later than 30 days after completion of the assessment. Physical copies of the report shall be kept

237 on file in the main library for each campus, and in the primary campus administrative office, and
238 shall be available for review or copying upon request of any person.

239 2) Institutions of higher education shall conduct assessments that include testing,
240 adjustments and balancing as set forth in subsection (f)(1) above no less frequently than every 2
241 years.

242 g. Enforcement

243 1) An employee or employee organization aggrieved by a violation of this section 117B
244 may file a complaint with the Department, which shall conduct an investigation and issue
245 preliminary findings and orders within 30 days of receiving the complaint. The Department shall
246 have authority to order the institution of higher education to make repairs or upgrades to come
247 into compliance with this section.

248

249 2) If the Department has not completed its investigation and issued preliminary findings
250 and orders within 30 days, or if the Department

251 has completed its investigation and issued preliminary findings and orders and the
252 employee or employee organization is still aggrieved, the aggrieved employee or employee
253 organization may, within 3 years after the violation, institute and prosecute in his/her/its own
254 name and on his/her/its own behalf, a civil action for injunctive relief, for an order for repairs or
255 upgrades, for any damages incurred, and for any lost wages and other benefits. An employee or
256 employee organization so aggrieved who prevails in such an action shall be awarded the costs of
257 the litigation and reasonable attorneys' fees.

258 SECTION 6. Notwithstanding any general or special law, rule or regulation to the
259 contrary, the cost of assessments, upgrades, and repairs required in Section 5 of this act shall not
260 be paid from the operating budgets of public institutions of higher education but shall be paid for
261 from available state funds or eligible federal funds committed to the commonwealth to provide
262 financial assistance in response to the COVID-19 pandemic, or for other applicable purposes.

263 SECTION 7. Section 150 of Chapter 149 of the General Laws is hereby amended by
264 striking the second paragraph in its entirety and inserting in place thereof the following
265 paragraph:-

266 An employee claiming to be aggrieved by a violation of sections 6 ½, 18A, 33E, 52E,
267 113, 117, 117A, 117B, 148, 148A, 148B, 148C, 150C, 152, 152A, 159C or 190 or section 19 of
268 chapter 151 may, 90 days after the filing of a complaint with the attorney general, or sooner if
269 the attorney general assents in writing, and within 3 years after the violation, institute and
270 prosecute in his own name and on his own behalf, or for himself and for others similarly situated,
271 a civil action for injunctive relief, for any damages incurred, and for any lost wages and other
272 benefits; provided, however, that the 3 year limitation period shall be tolled from the date that the
273 employee or a similarly situated employee files a complaint with the attorney general alleging a
274 violation of any of these sections until the date that the attorney general issues a letter
275 authorizing a private right of action or the date that an enforcement action by the attorney general
276 becomes final. An employee so aggrieved who prevails in such an action shall be awarded treble
277 damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded
278 the costs of the litigation and reasonable attorneys' fees.

279 SECTION 8. Notwithstanding any general or special law, rule or regulation to the
280 contrary, the Division of Capital Asset Management and Maintenance, shall, within one year
281 from the effective date of this legislation, promulgate design requirements for capital
282 construction projects consistent with the ventilation requirements set forth in section 117B of
283 chapter 149 and any regulations promulgated thereunder.

284 SECTION 9. Chapter 15A of the General Laws is hereby amended by inserting, after
285 section 44, the following new section:-

286 Section 45: Health and safety committees

287 a. Definitions:

288 As used in this section, the following words shall, unless a different meaning clearly
289 appears from the context, have the following meanings:

290 "Campus" shall mean each location at which institutions of higher education are
291 physically present and offer instructional services.

292 "Declaration of a pandemic" means the characterization by the World Health
293 Organization of an infectious disease outbreak as a pandemic; or a declaration related to an
294 infectious disease outbreak by the federal Department of Health and Human Services of a public
295 health emergency in accordance with section 319 of the Public Health Service Act (42 U.S.C.
296 247d); or a declaration of a state of emergency related to an infectious disease outbreak by the
297 Governor of the Commonwealth in accordance with Chapter 639 of the Acts of 1950 and Section
298 2A of Chapter 17 of the General Laws.

299 "Institution of higher education" means any of the State Universities or Community
300 Colleges set forth in Chapter 15A and Chapter 73.

301 b. Within six months of the effective date of this legislation, a health and safety
302 committee shall be established on each campus of all institutions of higher education.

303 c. The members of the health and safety committee shall consist of:

304 1) A representative of each employee organization, as defined in section 1 of chapter
305 150E whose unit members include employees working on campus.

306 2) A representative of the facilities management department for the campus, if such a
307 department exists.

308 3) A representative of the environmental health and safety department for the campus, if
309 such a department exists.

310 d. Each member of the health and safety committee shall have one vote. Decisions by the
311 health and safety committee shall be made by a majority of members present, provided, however,
312 that a quorum must be present to make decisions.

313 e. The duties of the health and safety committee shall be:

314 1) To conduct an initial assessment of health and safety issues on each campus, including
315 but not limited to:

316 i. Issues related to physical buildings, such as structural issues, systems issues, life safety
317 issues.

318 ii. Issues related to equipment in or conditions in buildings, such as the condition of
319 appliances, furnishings, equipment, or physical conditions such as temperature control.

320 iii. Issues related to hazardous materials or conditions generated by activities on campus,
321 such as generation of hazardous materials, storage of hazardous materials, noise levels, radiation.

322 iv. Issues related to supplies or lack of supplies of effective safety equipment, of effective
323 personal protective equipment, of safety policies and procedures.

324 v. Reviewing and discussing health and safety suggestions from employees.

325 vi. Recommending actions to resolve health and safety concerns.

326 2) To generate a report of the findings of the committee's initial assessment of health and
327 safety issues, and of the committee's recommendations for addressing the identified health and
328 safety issues. The report shall be completed within one year of the date of the establishment of
329 the health and safety committee, and shall establish priorities and a timeline for addressing
330 identified health and safety issues. Copies of the report of the initial assessment shall be
331 available on the website for each institution of higher education, and the findings and
332 recommendations of the health and safety committee's assessment shall be included in the five-
333 year master plan of each institution of higher education.

334 3) To conduct periodic assessments every three years after the initial assessment. The
335 scope of the periodic assessments shall be the same as the scope of the initial assessment, and the
336 committee shall generate a report of the findings of the periodic assessments and
337 recommendations for addressing any identified health and safety issues, similar to the report
338 completed after the initial assessment. Copies of reports of periodic assessments shall be

339 available on the website for each institution of higher education, and the findings and
340 recommendations of the health and safety committee's periodic assessments shall be included in
341 the five-year master plan of each institution of higher education.

342 4) Any other activities that a majority of the members of the health and safety committee
343 agree would benefit the institution of higher education.

344 5) In the event of a declaration of a pandemic, each campus health and safety committee
345 shall develop policies and procedures in accordance with guidance issued by the Department of
346 Public Health, the Department of Labor Standards, the Occupational Safety and Health
347 Administration, the Centers for Disease Control, and best practices, to reduce the risk of
348 transmission of disease.

349 f. At the request of a majority of the members of the health and safety committee,
350 members of the health and safety committee shall receive training to assist them in fulfilling the
351 duties described in subsection e (1) – (5) above. Such training shall be provided at no cost to the
352 members of the committee, and may include, but not be limited to, professional development
353 opportunities, training sponsored by governmental agencies, training offered by occupational
354 health and safety organizations or public health organizations, or training offered by
355 organizations with particular expertise in health and safety issues on campus. Training may be in
356 person or through an alternative medium.

357 g. Members of the health and safety committee shall receive a stipend, which shall be
358 paid by the commonwealth and shall not be taken from the operating budget of the institutions of
359 higher education, and members shall also be provided with release time in which to complete the
360 committee's work. Membership on the committee shall constitute service to the institution of

361 higher education for purposes of employee evaluations and promotions. The stipend shall be
362 considered regular compensation for the purposes of Chapter 32.

363 SECTION 10. Chapter 75 of the General Laws is hereby amended by inserting, after
364 section 47, the following new section:

365 Section 48: Health and safety committees

366 a. Definitions:

367 As used in this section, the following words shall, unless a different meaning clearly
368 appears from the context, have the following meanings:

369 "Campus" shall mean each location at which the University of Massachusetts is
370 physically present and offers instructional services as provided in G.L. c. 75.

371 "Declaration of a pandemic" means the characterization by the World Health
372 Organization of an infectious disease outbreak as a pandemic; or a declaration related to an
373 infectious disease outbreak by the federal Department of Health and Human Services of a public
374 health emergency in accordance with section 319 of the Public Health Service Act (42 U.S.C.
375 247d); or a declaration of a state of emergency related to an infectious disease outbreak by the
376 Governor of the Commonwealth in accordance with Chapter 639 of the Acts of 1950 and Section
377 2A of Chapter 17 of the General Laws.

378 "University of Massachusetts" means the institutions set forth in section 1 of chapter 75
379 provided, however, that the University of Massachusetts at Worcester shall not be included in the
380 requirements of this section.

381 b. Within six months of the effective date of this legislation, a health and safety
382 committee shall be established on each campus of the University of Massachusetts.

383 c. The members of the health and safety committee shall consist of:

384 1) A representative of each employee organization, as defined in section 1 of chapter
385 150E whose unit members include employees working on campus.

386 2) A representative of the facilities management department for the campus, if such a
387 department exists.

388 3) A representative of the environmental health and safety department for the campus, if
389 such a department exists.

390 d. Each member of the health and safety committee shall have one vote. Decisions by the
391 health and safety committee shall be made by a majority of members present, provided, however,
392 that a quorum must be present to make decisions.

393 e. The duties of the health and safety committee shall be:

394 1) To conduct an initial assessment of health and safety issues on each campus, including
395 but not limited to:

396 i. Issues related to physical buildings, such as structural issues, systems issues, life safety
397 issues.

398 ii. Issues related to equipment in or conditions in buildings, such as the condition of
399 appliances, furnishings, equipment, or physical conditions such as temperature control.

400 iii. Issues related to hazardous materials or conditions generated by activities on campus,
401 such as generation of hazardous materials, storage of hazardous materials, noise levels, radiation.

402 iv. Issues related to supplies or lack of supplies of effective safety equipment, of effective
403 personal protective equipment, of safety policies and procedures.

404 v. Reviewing and discussing health and safety suggestions from employees.

405 vi. Recommending actions to resolve health and safety concerns.

406 2) To generate a report of the findings of the committee's initial assessment of health and
407 safety issues, and of the committee's recommendations for addressing the identified health and
408 safety issues. The report shall be completed within one year of the date of the establishment of
409 the health and safety committee, and shall establish priorities and a timeline for addressing
410 identified health and safety issues. Copies of the report of the initial assessment shall be
411 available on the website for each campus of the University of Massachusetts, and the findings
412 and recommendations of the health and safety committee's assessment shall be included in the
413 five-year master plan of the University of Massachusetts.

414 3) To conduct periodic assessments every three years after the initial assessment. The
415 scope of the periodic assessments shall be the same as the scope of the initial assessment, and the
416 committee shall generate a report of the findings of the periodic assessments and
417 recommendations for addressing any identified health and safety issues, similar to the report
418 completed after the initial assessment. Copies of reports of periodic assessments shall be
419 available on the website for each campus of the University of Massachusetts, and the findings
420 and recommendations of the health and safety committee's periodic assessments shall be
421 included in the five-year master plan of the University of Massachusetts.

422 4) Any other activities that a majority of the members of the health and safety committee
423 agree would benefit the University of Massachusetts.

424 5) In the event of a declaration of a pandemic, each campus health and safety committee
425 shall develop policies and procedures in accordance with guidance issued by the Department of
426 Public Health, the Department of Labor Standards, the Occupational Safety and Health
427 Administration, the Centers for Disease Control, and best practices, to reduce the risk of
428 transmission of disease.

429 f. At the request of a majority of the members of the health and safety committee,
430 members of the health and safety committee shall receive training to assist them in fulfilling the
431 duties described in subsection e (1) – (5) above. Such training shall be provided at no cost to the
432 members of the committee, and may include, but not be limited to, professional development
433 opportunities, training sponsored by governmental agencies, training offered by occupational
434 health and safety organizations or public health organizations, or training offered by
435 organizations with particular expertise in health and safety issues on campus. Training may be in
436 person or through an alternative medium.

437 g. Members of the health and safety committee shall receive a stipend, which shall be
438 paid by the commonwealth and shall not be taken from the operating budget of the University of
439 Massachusetts, and members shall also be provided with release time in which to complete the
440 committee's work. Membership on the committee shall constitute service to the University of
441 Massachusetts for purposes of employee evaluations and promotions.

442 SECTION 11. Notwithstanding any general or special law, rule or regulation to the
443 contrary, funding to implement recommendations for addressing health and safety issues

444 identified by health and safety committees in initial or periodic assessments as described in
445 Sections 9 and 10 above shall be made available by the commonwealth or shall be taken from
446 eligible federal funds committed to the commonwealth.

447 SECTION 12. Sections 1-2 of this act shall be in effect for the duration of the governor's
448 March 10, 2020 declaration of a state of emergency.