

ASSEMBLY, No. 2093

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblymen ROMA and GIBSON

1 AN ACT concerning Joint Safety and Health Committees for State
2 employees.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. For the purposes of this act:

8 "Committee" means a Joint Safety and Health Committee
9 established pursuant to section 2 of this act.

10 "Commission" means the Workplace Safety and Health Commission
11 established pursuant to section 3 of this act.

12 "Employee representative" means an organization engaged in a
13 collective bargaining or collective negotiation relationship with an
14 employer.

15 "Employer" means the State or any department, division, bureau,
16 board, council, agency or authority of the State, except any bi-State
17 authority.

18 "Facility" means all buildings, structures or other stationary items
19 located on a single site or on contiguous or adjacent sites owned or
20 operated by an employer.

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22 2. Each employer shall, not later than 180 days after the effective
23 date of this act, establish a Joint Safety and Health Committee at each
24 facility where 15 or more State employees are employed. Each
25 committee shall have, taking into consideration the size of the facility,
26 a reasonable number of members, which shall in no case be less than
27 four members, to carry out its duties, and each committee shall consist
28 of an equal number of employer members and employee members.

29 If employees at the facility are represented by an employee
30 representative, the committee shall be established with the
31 participation and the written consent of both the employer and the
32 employee representative. If employees at the facility are represented
33 by an employee representative, that employee representative shall
34 select the employee members of the committee. If employees at the
35 facility are represented by more than one employee representative,
36 each employee representative shall select a number of employee
37 members to the committee which is in proportion to the number of

1 employees represented by the employee representative at the facility.
2 If no employees at the facility are represented by an employee
3 representative, the employees at the facility shall select the employee
4 members of the committee through a secret ballot election conducted
5 by the employer not less than once every two years in which every
6 employee is given the opportunity to vote during normal working
7 hours.

8 The committee shall be required, in a manner consistent with
9 standards set by the Commissioner of Labor, in consultation with the
10 commission and the Commissioner of Health, to: hold regular
11 meetings, not less than once each month; keep records; review and
12 make written recommendations regarding safety and health programs
13 at the facility, including accident and illness prevention programs;
14 conduct an inspection of the facility not less than one time each
15 calendar quarter; note hazards and provide written recommendations
16 for the abatement of the hazards; and investigate accidents and
17 exposures at the facility.

18 The employer shall provide a written response to a recommendation
19 made by the committee within a reasonable period of time after the
20 recommendation is received by the employer, which shall not exceed
21 14 consecutive days after the date of receipt in the case of a
22 recommendation for hazard abatement.

23 Committee members shall be compensated at their regular wage for
24 time spent performing committee duties.

25 The committee members shall be provided with training which is
26 designed to enable them to carry out their duties as committee
27 members and which complies with standards set by the Commissioner
28 of Labor in consultation with the commission and the Commissioner
29 of Health.

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31 3. a. There is established, in the Department of Labor, the
32 Workplace Safety and Health Commission. The commission shall
33 consist of twelve members as follows: the Commissioner of Insurance,
34 the Commissioner of Health, the Commissioner of Labor and the
35 Commissioner of Personnel or their designees, who shall serve
36 ex-officio and shall be non-voting members; and eight public members
37 who are residents of the State and who have knowledge, competence,
38 experience or interest in connection with occupational safety and
39 health and workplace injuries and illnesses. Of the eight public
40 members, four shall be appointed by the Governor from a list or lists
41 of nominees provided by one or more recognized State-wide
42 organizations representing businesses and the other four shall be
43 appointed by the Governor from a list or lists of nominees provided by
44 one or more recognized State-wide organizations representing labor
45 unions.

46 b. All appointments shall be made within 30 days after the effective

1 date of this act. The appointed members of the commission shall serve
2 for a term ending on December 31, 1999. Vacancies in the
3 membership of the appointed members of the commission shall be
4 filled in the same manner as the original appointments.

5 c. The members shall serve without compensation, but shall be
6 reimbursed for necessary expenditures incurred in the performance of
7 their duties as members of the commission, within the limits of funds
8 appropriated or otherwise made available to the commission for its
9 purposes.

10 d. The commission shall organize as soon as possible after the
11 appointments are made and shall select a chairperson from among its
12 members. The commission may appoint a secretary, who need not be
13 a member of the commission. The commission shall meet at least
14 quarterly and may hold meetings and hearings at such places and times
15 as it designates.

16 e. The commission shall issue a report to the Governor and the
17 Legislature not later than June 1, 1999 which evaluates and describes
18 the effectiveness of the provisions of this act and of P.L. ____, c. ____
19 (C. ____)(now pending before the Legislature as Assembly Bill, No.
20 2094 of 1996) in improving workplace safety and health. The report
21 shall make recommendations regarding whether to modify the
22 provisions of this act, recommendations regarding whether to continue
23 after December 31, 1999 or modify the provisions of P.L. ____,
24 c. ____ (C. ____)(now pending before the Legislature as Assembly
25 Bill, No. 2094 of 1996), and recommendations regarding possible
26 methods to induce employers other than the State to establish Joint
27 Safety and Health Committees. The report shall include any draft
28 legislation needed to implement recommendations of the report. The
29 commission shall expire on December 31, 1999.

30 f. The commission may hold public hearings and shall have access
31 to all files and records of the Department of Insurance, the Department
32 of Labor, the Department of Health, the Department of Personnel and
33 other relevant State agencies and may call to its assistance and avail
34 itself of the services of the employees of those departments and
35 agencies to provide whatever information the board deems necessary
36 in the performance of its functions.

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38 4. The Commissioner of Labor, in consultation with the
39 Commissioner of Personnel, the Commissioner of Insurance, the
40 Commissioner of Health and the Workplace Safety and Health
41 Commission, shall, pursuant to the provisions of the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate
43 rules and regulations to effectuate the provisions of this act.

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45 5. This act shall take effect on the 180th day following enactment.

STATEMENT

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The bill directs all State agencies to establish a Joint Safety and Health Committee at each facility where 15 or more State employees are employed. The bill requires that each committee have, taking into consideration the size of the facility, a reasonable number of members, but at least four, to carry out its duties and that each committee consist of an equal number of employer members and employee members. If employees at the facility are represented by one or more unions, the bill requires that the committee be established with the participation and the written consent of both the employer and the unions and that the unions select the employee members of the committee. If no employees at the facility are represented by a union, the employees at the facility are required to select the employee members of the committee through a secret ballot election conducted by the employer.

The bill requires that the committee: hold regular meetings, not less than once each month; keep and make available records; review and make written recommendations regarding safety and health programs; conduct inspections at least once each calendar quarter; note hazards and provide written recommendations for their abatement; and investigate accidents.

The employer is required to provide a written response to a recommendation within a reasonable time, not exceeding 14 days in the case of a recommendation for hazard abatement. It is required that committee members are paid their regular wage when performing committee duties and provided with training to enable them to carry out their duties as committee members.

The bill also establishes a Workplace Safety and Health Commission to review and report on the impact of the bill and related legislation on participating employers and their employees and make recommendations regarding modifications in the provisions of the bill and regarding possible legislation to induce employers other than the State to establish Joint Safety and Health Committees.

Concerns Joint Safety and Health Committees in State government.