

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 2093

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 19, 1996

Sponsored by Assemblymen ROMA and GIBSON

1 AN ACT concerning Joint Safety and Health Committees for State  
2 employees, supplementing P.L.1983, c.516 (C.34:6A-25 et seq.) and  
3 making an appropriation.

4

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

7

8 1. For the purposes of this act:

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

11 "Commission" means the Workplace Safety and Health Commission  
12 established pursuant to section 3 of this act or the Workplace Safety and  
13 Health Commission established pursuant to section 2 of P.L.\_\_\_\_ c.\_  
14 (C.\_\_\_\_)(now pending before the Legislature as the Assembly Committee  
15 Substitute for Assembly Bill No.2094).

16 "Designated industry" means an industry which is found by the  
17 Commissioner of Labor to have a relatively high level of safety and health  
18 hazards and shall include all industries under the following group numbers  
19 of the Standard Industrial Classification (SIC), as designated by the  
20 Standard Industrial Classification Manual prepared by the Federal Office  
21 of Management and Budget: 01-09 (agriculture, forestry and fishing); 15-  
22 17 (construction); 20-39 (manufacturing); and 41-49 (transportation,  
23 communications, electric, gas and sanitary services).

24 "Employee representative" means an organization engaged in a  
25 collective bargaining or collective negotiation relationship with an  
26 employer.

27 "Employer" means any State department or any agency or authority of  
28 the State which is independent of all State departments, except any bi-  
29 State authority.

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

33 "Safety and health programs" means all safety and health programs of  
34 a facility, including accident and illness prevention programs and programs  
35 to minimize the danger of violence to employees, including programs

1 developed and implemented pursuant to P.L. \_\_, c. \_\_ (C. \_\_)(now  
2 pending before the Legislature as Assembly Bill, No.1656).

3  
4 2. a. Each employer shall, not later than 180 days after the effective  
5 date of this act, establish a Joint Safety and Health Committee, which shall  
6 have, taking into consideration the number of employees of the employer,  
7 a reasonable number of members, but not fewer than eight, to carry out  
8 the duties of the committee, and the committee shall consist of an equal  
9 number of employer members and employee members. At each facility  
10 where 25 or more employees of the employer work, the committee shall  
11 have, taking into consideration the size of the facility, a reasonable number  
12 of on-site facility representatives, but not fewer than two, to carry out  
13 duties required at the facility, and at each facility there shall be an equal  
14 number of employer on-site facility representatives and employee on-site  
15 facility representatives.

16 b. If employees of the employer are represented by one or more  
17 employee representatives:

18 (1) The committee shall be established with the participation and the  
19 written consent of the employer and the employee representative or  
20 representatives;

21 (2) The employee representative or representatives shall select all of the  
22 employee members of the committee and each employee representative  
23 shall select a number of employee members to the committee which is in  
24 proportion to the number of employees of the employer represented by the  
25 employee representative; and

26 (3) The employee representative or representatives shall select all of the  
27 employee on-site facility representatives at all facilities of the employer,  
28 and each employee representative shall select a number of employee on-  
29 site facility representatives which is in proportion to the number of  
30 employees represented by the employee representative at the facility.

31 c. If no employees at the facility are represented by an employee  
32 representative, the employee members of the committee and the employee  
33 on-site facility representatives shall be employees who have volunteered  
34 to be committee members or employee on-site facility representatives and  
35 who are not managers or supervisors.

36 d. Each committee shall be required, in a manner consistent with  
37 standards set by the Commissioner of Labor, in consultation with the  
38 commission and the Commissioner of Health, to:

39 (1) Hold regular meetings, not less than once each month, unless the  
40 employer and employee members of the committee agree to meet less  
41 frequently than once each month, and prepare written minutes of the  
42 meetings;

43 (2) Collect and analyze information, including information provided by  
44 on-site facility representatives, regarding safety and health conditions at  
45 the facility and prepare written reports for the employer of its findings and  
46 recommendations;

1 (3) Collect and analyze information, including information provided by  
2 on-site facility representatives, regarding the effectiveness of all safety and  
3 health programs of the employer in preventing injury and illness and  
4 prepare written reports for the employer of its findings and  
5 recommendations;

6 (4) Reduce and prevent injury and illness by disseminating information  
7 to employees and raising employee awareness regarding safety and health  
8 conditions and the best practices; and

9 (5) Keep and make available to employees all records of the committee,  
10 including minutes and records of all reviews, inspections, investigations,  
11 recommendations made by the committee and its representatives and  
12 employer responses to committee recommendations, for not less than  
13 three years.

14 e. The on-site facility representatives at each facility shall hold regular  
15 meetings, not less than once each month, unless the employer and  
16 employee on-site facility representatives agree to meet less frequently than  
17 once each month, and prepare written minutes of the meetings. The on-  
18 site facility representatives shall collect and analyze information regarding  
19 safety and health conditions at the facility, by means including inspections  
20 which cover the facility not less than one time each calendar quarter if the  
21 facility is in a designated industry, or not less than one time in six months  
22 if the facility is not in a designated industry, and investigations of  
23 accidents and exposures, for which the on-site facility representatives shall  
24 be given timely and reasonable access to conduct the investigations and  
25 prepare written reports for the committee and the employer of their  
26 findings and recommendations, including recommendations for the  
27 abatement of any hazards observed by the on-site facility representatives.  
28 All reports made by the on-site facility representatives shall fully reflect  
29 the views of both the employer on-site facility representatives and the  
30 employee on-site facility representatives;

31 f. The employer shall provide a written response to any  
32 recommendation made by the committee or its representatives within a  
33 reasonable period of time after the recommendation is received by the  
34 employer, which shall not exceed 14 consecutive days after the date of  
35 receipt in the case of a recommendation for hazard abatement.

36 g. If employees of an employer are represented by one or more  
37 employee representatives, the operations of the committee and activities  
38 of the committee's on-site facility representatives shall not violate any  
39 provision of a collective bargaining agreement; and, if the committee is  
40 established pursuant to a collective bargaining agreement, the committee  
41 and the committee's on-site facility representatives may exercise, in  
42 addition to the responsibilities indicated in this section, any other  
43 responsibilities permitted by law and the collective bargaining agreement;

44 h. Committee members and on-site facility representatives shall be  
45 compensated at their regular wage for time spent performing committee  
46 duties and training provided pursuant to this subsection. The committee

1 members and on-site facility representatives shall be provided with training  
2 which is designed to enable them to carry out their duties as committee  
3 members and on-site facility representatives and which complies with  
4 standards set by the Commissioner of Labor in consultation with the  
5 commission and the Commissioner of Health.

6

7 3. a. There is established, in the Department of Labor, the Workplace  
8 Safety and Health Commission. The commission shall consist of 13  
9 members as follows: the Commissioner of Banking and Insurance, the  
10 Commissioner of Health, the Commissioner of Commerce and Economic  
11 Development, the Commissioner of Labor and the Commissioner of  
12 Personnel or their designees, who shall serve ex-officio and shall be  
13 non-voting members; and eight public members who have knowledge,  
14 competence or experience in connection with occupational safety and  
15 health, workplace injuries and illnesses or safety and health programs. Of  
16 the eight public members, four shall be appointed by the Governor from  
17 a list or lists of nominees provided by one or more recognized State-wide  
18 organizations representing businesses and the other four shall be  
19 appointed by the Governor from a list or lists of nominees provided by  
20 one or more recognized State-wide organizations representing labor  
21 unions.

22 b. All appointments shall be made within 90 days after the effective date  
23 of this act. The appointed members of the commission shall serve for a  
24 term ending on December 31, 1999. Vacancies in the membership of the  
25 appointed members of the commission shall be filled in the same manner  
26 as the original appointments.

27 c. The members of the commission shall serve without compensation,  
28 but shall be reimbursed for necessary expenditures incurred in the  
29 performance of their duties as members of the commission, within the  
30 limits of funds appropriated or otherwise made available to the  
31 commission for its purposes.

32 d. The commission shall organize as soon as possible after the  
33 appointments are made and shall select a chairperson from among its  
34 members. The commission may appoint a secretary, who need not be a  
35 member of the commission. The commission shall meet at least quarterly  
36 and may hold meetings and hearings at such places and times as it  
37 designates. No action shall be taken by the commission except by an  
38 affirmative vote of a majority of the members of the commission who are  
39 voting members pursuant to subsection a. of this section.

40 e. The commission shall issue a report to the Governor and the  
41 Legislature not later than June 1, 1999 which evaluates and describes the  
42 effectiveness of the provisions of this act and of P.L. \_\_, c. \_\_ (C. \_\_)  
43 (now pending before the Legislature as Assembly Bill No. 2094 of 1996)  
44 in improving workplace safety and health. The report shall make  
45 recommendations regarding whether to modify the provisions of this act,  
46 recommendations regarding whether to continue after December 31, 1999

1 or modify the provisions of P.L. \_\_\_\_, c. \_\_\_\_ (C. \_\_\_\_)(now pending  
2 before the Legislature as the Assembly Committee Substitute for  
3 Assembly Bill No. 2094 of 1996), and recommendations regarding  
4 possible methods to induce employers other than the State to establish  
5 Joint Safety and Health Committees. The report shall include any draft  
6 legislation needed to implement recommendations of the report. The  
7 commission shall expire on December 31, 1999.

8 f. The commission may hold public hearings and shall have access to all  
9 files and records of each Joint Safety and Health Committee established  
10 pursuant to the provisions of this act and P.L. \_\_\_\_, c. \_\_\_\_ (C. \_\_\_\_)(now  
11 pending before the Legislature as the Assembly Committee Substitute for  
12 Assembly Bill No. 2094 of 1996) and all files and records of the  
13 Department of Banking and Insurance, the Department of Labor, the  
14 Department of Health, the Department of Personnel and other relevant  
15 State agencies and may call to its assistance and avail itself of the services  
16 of the employees of those departments and agencies to provide whatever  
17 information the commission deems necessary in the performance of its  
18 functions.

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20 4. The Commissioner of Labor, in consultation with the Commissioner  
21 of Personnel, the Commissioner of Banking and Insurance, the  
22 Commissioner of Health and the Workplace Safety and Health  
23 Commission, shall, pursuant to the provisions of the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules  
25 and regulations to effectuate the provisions of this act.

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27 5. There is appropriated from the General Fund to the Workplace  
28 Safety and Health Commission \$75,000 to implement the provisions of  
29 this act.

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31 6. This act shall take effect on the 180th day following enactment,  
32 except that, if P.L. \_\_\_\_, c. \_\_\_\_(C. \_\_\_\_(now pending before the Legislature  
33 as the Assembly Committee Substitute for Assembly, Bill No.2094) is  
34 enacted:

35 a. Section 3 of this act shall not take effect if P.L. \_\_\_\_, c. \_\_\_\_(C. \_\_\_\_(now  
36 pending before the Legislature as the Assembly Committee Substitute for  
37 Assembly Bill No.2094) is enacted prior to or on the effective date of this  
38 act;

39 b. Section 3 of this act shall be superseded by section 2 of P.L. \_\_\_\_,  
40 c. \_\_\_\_(C. \_\_\_\_(now pending before the Legislature as the Assembly  
41 Committee Substitute for Assembly Bill No.2094) if P.L. \_\_\_\_, c. \_\_\_\_(C. \_\_\_\_(  
42 now pending before the Legislature as the Assembly Committee  
43 Substitute for Assembly, Bill No.2094) is enacted after the effective date  
44 of this act; and

45 c. The Workplace Safety and Health Commission established pursuant  
46 to section 2 of P.L. \_\_\_\_, c. \_\_\_\_(C. \_\_\_\_(now pending before the Legislature as

1 the Assembly Committee Substitute for Assembly Bill No.2094) shall  
2 serve as the Workplace Safety and Health Commission for the purposes  
3 of this act, provided that, if this act takes effect prior to the enactment of  
4 P.L.\_\_\_\_, c.\_\_\_\_(C. \_\_\_\_)(now pending before the Legislature as the  
5 Assembly Committee Substitute for Assembly Bill No.2094) and members  
6 of the commission have been appointed pursuant to section 3 of this act,  
7 those members shall be members of the commission under the provisions  
8 of section 2 of P.L.\_\_\_\_, c.\_\_\_\_(C.\_\_\_\_)(now pending before the Legislature  
9 as the Assembly Committee Substitute for Assembly Bill No.2094).

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14 Concerns Joint Safety and Health Committees in State government;  
15 appropriates \$75,000.