

SENATE, No. 1848

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1997

By Senator SINAGRA

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.)
3 and making an appropriation.

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

7
8 1. For the purposes of this act:

9 "Committee" means a Joint Safety and Health Committee
10 established 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
13 and Health Commission established pursuant to section 2 of P.L.
14 c. (C.) (now pending before the Legislature as Senate Bill
15 No.1816).

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

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

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

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

34 "Safety and health programs" means all safety and health programs
35 of a facility, including accident and illness prevention programs and
36 programs to minimize the danger of violence to employees, including
37 programs developed and implemented pursuant to P.L. , c.

1 (C.) (now pending before the Legislature as Assembly Bill,
2 No.1656).

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

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

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

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

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

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

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

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

45 (2) Collect and analyze information, including information
46 provided by on-site facility representatives, regarding safety and health

1 conditions at the facility and prepare written reports for the employer
2 of its findings and recommendations;

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

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

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

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

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

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

1 agreement;

2 h. Committee members and on-site facility representatives shall be
3 compensated at their regular wage for time spent performing
4 committee duties and training provided pursuant to this subsection.
5 The committee members and on-site facility representatives shall be
6 provided with training which is designed to enable them to carry out
7 their duties as committee members and on-site facility representatives
8 and which complies with standards set by the Commissioner of Labor
9 in consultation with the commission and the Commissioner of Health
10 and Senior Services.

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

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

33 c. The members of the commission shall serve without
34 compensation, but shall be reimbursed for necessary expenditures
35 incurred in the performance of their duties as members of the
36 commission, within the limits of funds appropriated or otherwise made
37 available to the commission for its purposes.

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

46 e. The commission shall issue a report to the Governor and the

1 Legislature not later than June 1, 1999 which evaluates and describes
2 the effectiveness of the provisions of this act and of P.L. , c.
3 (C.) (now pending before the Legislature as Senate Bill No.1816)
4 in improving workplace safety and health. The report shall make
5 recommendations regarding whether to modify the provisions of this
6 act, recommendations regarding whether to continue after December
7 31, 1999 or modify the provisions of P.L. , c. (C.)(now
8 pending before the Legislature as Senate Bill No.1816), and
9 recommendations regarding possible methods to induce employers
10 other than the State to establish Joint Safety and Health Committees.
11 The report shall include any draft legislation needed to implement
12 recommendations of the report. The commission shall expire on
13 December 31, 1999.

14 f. The commission may hold public hearings and shall have access
15 to all files and records of each Joint Safety and Health Committee
16 established pursuant to the provisions of this act and P.L. ,
17 c. (C.)(now pending before the Legislature as Senate Bill
18 No.1816) and all files and records of the Department of Banking and
19 Insurance, the Department of Labor, the Department of Health and
20 Senior Services, the Department of Personnel and other relevant State
21 agencies and may call to its assistance and avail itself of the services
22 of the employees of those departments and agencies to provide
23 whatever information the commission deems necessary in the
24 performance of its functions.

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26 4. The Commissioner of Labor, in consultation with the
27 Commissioner of Personnel, the Commissioner of Banking and
28 Insurance, the Commissioner of Health and Senior Services and the
29 Workplace Safety and Health Commission, shall, pursuant to the
30 provisions of the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-1 et seq.), promulgate rules and regulations to effectuate
32 the provisions of this act.

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

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38 6. This act shall take effect on the 180th day following enactment,
39 except that, if P.L. , c. (C.)(now pending before the
40 Legislature as Senate Bill No.1816) is enacted:

41 a. Section 3 of this act shall not take effect if P.L. , c.
42 (C.)(now pending before the Legislature as Senate Bill No.1816)
43 is enacted prior to or on the effective date of this act;

44 b. Section 3 of this act shall be superseded by section 2 of
45 P.L. , c. (C.)(now pending before the Legislature as Senate
46 Bill No.1816) if P.L. . c. (C.) (now pending before the

1 Legislature as Senate Bill No.1816) is enacted after the effective date
2 of this act; and

3 c. The Workplace Safety and Health Commission established
4 pursuant to section 2 of P.L. c. (C.)(now pending before the
5 Legislature as Senate Bill No.1816) shall serve as the Workplace Safety
6 and Health Commission for the purposes of this act, provided that, if
7 this act takes effect prior to the enactment of P.L. , c. (C.)
8 (now pending before the Legislature as Senate Bill No.1816) and
9 members of the commission have been appointed pursuant to section
10 3 of this act, those members shall be members of the commission under
11 the provisions of section 2 of P.L. , c. (C.)(now pending
12 before the Legislature as Senate Bill No.1816).

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STATEMENT

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17 This bill directs each State department or State agency which is not
18 part of a department to establish a Joint Safety and Health Committee
19 with at least eight members, four of whom are employer members and
20 four of whom are employee members. If the department or agency is
21 unionized, the bill requires that the committee be established with the
22 participation and the written consent of both the employer and the
23 unions and that the unions select the employee members of the
24 committee. If the department or agency is not unionized, the bill
25 requires that employee members be volunteers who are not managers
26 or supervisors.

27 The bill requires the committee to have not fewer than two
28 committee representatives at each facility with 25 or more employees
29 of the department or agency, and requires that half of the
30 representatives be employees and half of them be employer
31 representatives, selected in the same manner as the committee
32 members.

33 Each committee is required to: hold regular meetings; collect and
34 analyze information, including information provided by onsite facility
35 representatives, regarding safety and health conditions at the facility;
36 collect and analyze information, including information provided by
37 on-site facility representatives, regarding the effectiveness of safety
38 and health programs; reduce and prevent injury and illness by
39 disseminating information to employees and raising employee
40 awareness regarding safety and health conditions and the best
41 practices; and prepare written reports for the employer of its findings
42 and recommendations.

43 The on-site facility representatives at each facility are required by
44 the bill to hold regular meetings, usually not less than once each
45 month, and prepare written minutes of the meetings. The on-site
46 facility representatives are directed to collect and analyze information

1 regarding safety and health conditions at the facility, by means
2 including inspections of the facility and investigations of accidents and
3 exposures, for which the committee representatives must be given
4 timely and reasonable access, and prepare written reports for the
5 committee and the employer of their findings and recommendations,
6 including recommendations for the abatement of any hazards.

7 The employer is required to provide a written response to a
8 recommendation within a reasonable time, not exceeding 14 days in
9 the case of a recommendation for hazard abatement. The bill requires
10 that committee members and on-site facility representatives be paid
11 their regular wage when performing committee duties and provided
12 with training to enable them to carry out their duties as committee
13 members.

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

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