ASSEMBLY, No. 5433

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 10, 2026

Sponsored by:
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District 11 (Monmouth)
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District 15 (Hunterdon and Mercer)
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SYNOPSIS

Consolidates administration of "New Jersey Public Employees' Occupational Safety and Health Act" under DOLWD.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 10/29/2026)

AN ACT concerning administration of the "New Jersey Public Employees' Occupational Safety and Health Act" and supplementing and amending P.L.1983, c.516.

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

1. (New section) To the extent not inconsistent with any federal law, and notwithstanding any other State law, all powers, functions and duties of the Department of Health or the Commissioner of the Department of Health relating to inspection, investigation, and related activities under the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.), are hereby transferred to the Department of Labor and Workforce Development or the Commissioner of the Department of Labor and Workforce Development, as appropriate, along with the proportionate share of the resources necessary to maintain these activities.

2. Section 3 of P.L.1983, c.516 (C.34:6A-27) is amended to read as follows:

3. As used in this act:

a. "Advisory board" means the Public Employees' Occupational Safety and Health Advisory Board created by section 4 of **[**this act**]** P.L.1983, c.516 (C.34:6A-25 et seq.);

b. "Commissioner" means the Commissioner of Labor and Workforce Development or **[**his**]** the commissioner's designee;

c. "Employer" means public employer and shall include any person acting directly on behalf of, or with the knowledge and ratification of: (1) the State, or any department, division, bureau, board, council, agency or authority of the State, except any bi-state agency; or (2) any county, municipality, or any department, division, bureau, board, council, agency or authority of any county or municipality, or of any school district or special purpose district created pursuant to law;

d. "Employee" means any public employee, any person holding a position by appointment or employment in the service of an "employer" as that term is used in **[**this act**]** P.L.1983, c.516 (C.34:6A-25 et seq.) and shall include any individual whose work has ceased as a consequence of, or in connection with, any administrative or judicial action instituted under **[**this act**]** P.L.1983, c.516 (C.34:6A-25 et seq.); provided, however, that elected officials, members of boards and commissions, and managerial executives as defined in the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.)**[**.**]**

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

shall be excluded from the coverage of [this act] P.L.1983, c.516 (C.34:6A-25 et seq.);

e. "Employee representative" means a "representative" as that term is defined in the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.);

f. "Review commission" means the Occupational Safety and Health Review Commission created by section 18 of [this act] P.L.1983, c.516 (C.34:6A-42);

g. "Secretary" means the Secretary of the United States Department of Labor;

h. "Workplace" means a place where public employees are assigned to work.

(cf: P.L.1983, c.516, s.3)

3. Section 5 of P.L.1983, c.516 (C.34:6A-29) is amended to read as follows:

5. The commissioner shall, in consultation with the Commissioner of Health, the Commissioner of Community Affairs and the advisory board, promulgate a plan for the development and enforcement of occupational safety and health standards with respect to public employers and public employees, in accordance with section 18(c) of the "Occupational Safety and Health Act of 1970," Pub.L.91-596 (29 U.S.C. s.651 et seq.). The Department of Labor and Workforce Development shall be the sole agency responsible for administering and enforcing this plan throughout the State. The plan shall:

a. Provide for the development and enforcement of safety and health standards;

b. Provide for the right of entry and inspection in all workplaces by the commissioner;

c. [Provide for the right of entry and inspection in all workplaces by the Commissioner of Health;] (Deleted by amendment, P.L. , c.) (pending before the Legislature as this bill)

d. Prohibit advance notice of inspections;

e. Contain satisfactory assurances that the Department of Labor and [the Department of Health have] Workforce Development has the legal authority and qualified personnel necessary to carry out [their] the department's responsibilities under [this act] P.L.1983, c.516 (C.34:6A-25 et seq.);

f. Give satisfactory assurances that the State will devote adequate funds to the administration and enforcement of the standards;

g. Contain satisfactory assurances that the State will, to the extent permitted by law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political

subdivisions, which program is as effective as the corresponding provisions of the "Occupational Safety and Health Act of 1970," Pub.L.91-596 (29 U.S.C. s.651 et seq.);

h. Provide that the Department of Labor and Workforce Development shall make such reports to the secretary in the form and containing the information that the secretary from time to time requires; and

i. Provide for such cooperation with the Department of Community Affairs in implementing the plan as is consistent with the provisions of P.L.1983, c.516 (C.34:6A-25 et seq.) and the "Occupational Safety and Health Act of 1970," Pub.L.91-596 (29 U.S.C. s.651 et seq.).

(cf: P.L.1983, c.516, s.5)

4. Section 6 of P.L.1983, c.516 (C.34:6A-30) is amended to read as follows:

6. a. The commissioner shall provide for the adoption of all applicable occupational health and safety standards, amendments or changes adopted or recognized by the secretary under the authority of the "Occupational Safety and Health Act of 1970." Whenever the United States Secretary of Labor adopts a standard pursuant to the provisions of the "Occupational Safety and Health Act of 1970" (29 U.S.C. s.651 et seq.), the commissioner shall publish that federal standard in the New Jersey Register in accordance with the provisions of section 5 of P.L.1968, c.410 (C.52:14B-5) and, notwithstanding the provisions of section 4 of P.L.1968, c.410 (C.52:14B-4), that federal standard shall be deemed to be duly adopted as a State regulation upon its publication by the commissioner.

b. The commissioner shall not adopt any standard within the scope of the State uniform construction code adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.) or the uniform fire safety code adopted pursuant to P.L.1983, c.383 (C.52:27D-192 et al.), unless the standard is a standard adopted pursuant to subsection a. of this section. If the Commissioner of Community Affairs determines that a standard for building or structural safety adopted by the commissioner pursuant to subsection a. of this section is more stringent than the applicable standards adopted into code pursuant to the State uniform construction code or the uniform fire safety code, **[**he**]** the Commissioner of Community Affairs shall adopt a rule incorporating the more stringent standard into the relevant code. If the Commissioner of Community Affairs determines that there is a difference between a provision of any new or existing standard adopted pursuant to subsection a. of this section and a provision of the uniform construction code or the uniform fire safety code, and **[**he**]** the Commissioner of Community Affairs determines that the provision of the code is as effective as the provision of the standard, **[**he**]** the Commissioner of Community

Affairs shall prepare and submit to the commissioner an application for submission to the Secretary of Labor seeking (1) the approval of that provision of the uniform construction code or the uniform fire safety code as being as effective as the provision of the standard and (2) the approval of the incorporation of the code provision into the State plan.

c. Where no federal standards are applicable or where standards more stringent than the federal standards are deemed advisable, the commissioner shall, in consultation with the Commissioner of Health and the Commissioner of Community Affairs and, with the advice of the advisory board, provide for the development of State standards as may be necessary in special circumstances.

d. The commissioner [and the Commissioner of Health], or [their designees] the commissioner's designee, shall meet with the advisory board at each scheduled meeting for these purposes. The advisory board shall meet not less than four times each year.

e. [The Commissioner of Health shall not adopt standards or issue orders to comply in any area but shall be charged with inspection, investigation and related activities in the following areas:

(1) Occupational health and environmental control;

(2) Medical and first aid;

(3) Toxic and hazardous substances;

(4) Respiratory protective equipment; and

(5) Sanitation.] (Deleted by amendment, P.L. , c.) (pending before the Legislature as this bill)

The Commissioner of Labor and Workforce Development shall be charged with inspection, investigation and related activities for all [other] regulated areas and with adopting of standards and issuing orders to comply in all regulated areas.

(cf: P.L.1995, c.186, s.2)

5. Section 8 of P.L.1983, c.516 (C.34:6A-32) is amended to read as follows:

8. The commissioner shall, in consultation with the Commissioner of Health and the Commissioner of Community Affairs and with the advice of the advisory board, promulgate all regulations which the commissioner deems necessary for the proper administration and enforcement of this act. A variance may be granted if the commissioner determines that the applicant is in compliance with the requirements for a permanent variance as set forth in subsection c. of section 15 of [this act] P.L.1983, c.516 (C. 34:6A-39). The variance shall not be deemed to be a variation approved pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety

Act," P.L.1983, c.383 (C.52:27D-192 et al.) or any other building or fire safety standard or code.

Space leased by a public employer shall be subject to current health or safety rules and regulations. Any deficiency, including a deficiency resulting either from occupant use or deferred maintenance by the lessor, shall be subject to correction in accordance with the governing rules and regulations at the time that the deficiency is cited by the commissioner **[**or the Commissioner of Health**]**. However, a lease of any duration may not be entered into unless the leased property is in conformance with such rules and regulations as are in effect at the time the lease is executed.

No fire company, first aid, or rescue squad, whether paid, part-paid, or volunteer, shall be required to pay to the Department of Labor and Workforce Development **[**or the Department of Health**]** any registration or inspection fee imposed by rule or regulation with regard to the filling of air cylinders for respiratory equipment used by the fire company, first aid, or rescue squad.

(cf: P.L.2012, c.17, s.406)

6. This act shall take effect on the 90th day next following the date of enactment.

STATEMENT

This bill consolidates the administration of the "New Jersey Public Employees' Occupational Safety and Health Act" under the Department of Labor and Workforce Development by relocating to that department certain parts of the program which are currently located in the Department of Health.

Under the bill, all powers, functions, and duties of the Department of Health relating to inspection, investigation, and related activities under the “New Jersey Public Employees’ Occupational Safety and Health Act” are transferred to the Department of Labor and Workforce Development, along with the proportionate share of the resources necessary to maintain these activities.