

[First Reprint]

ASSEMBLY, No. 3521

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 5, 2024

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Assemblyman GABRIEL RODRIGUEZ

District 33 (Hudson)

Co-Sponsored by:

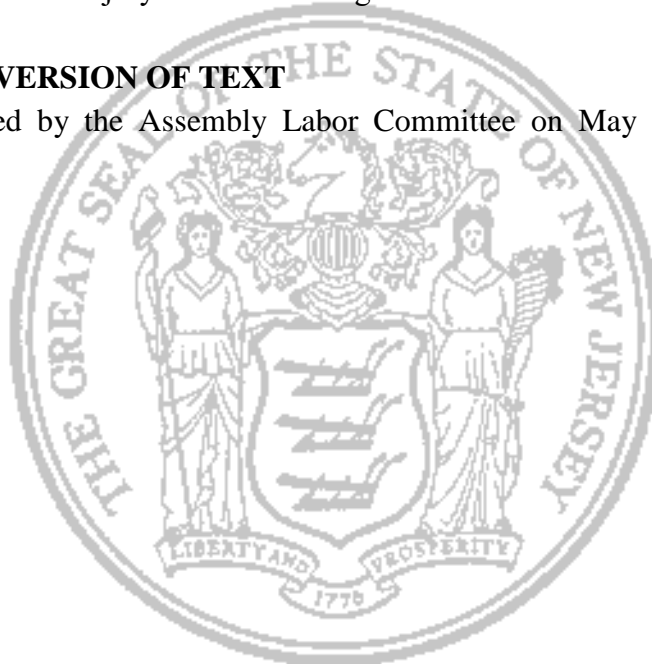
Assemblywomen Collazos-Gill, Reynolds-Jackson, Hall, Speight,
Assemblymen Danielsen, Conaway and Schaer

SYNOPSIS

Establishes occupational heat stress standard and “Occupational Heat-Related Illness and Injury Prevention Program” in DOLWD.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on May 16, 2024, with amendments.



(Sponsorship Updated As Of: 10/17/2024)

1 AN ACT concerning the ¹establishment of a heat stress standard by
 2 the¹ Department of Labor and Workforce Development
 3 ¹**[establishing]** and¹ an occupational heat stress standard and
 4 heat-related illness and injury prevention program and
 5 supplementing Title 34 of the Revised Statutes.

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

9
 10 1. The Legislature finds and declares:

11 a. Heat is the leading weather-related killer, and it is becoming
 12 more dangerous as 18 of the last 19 years were the hottest years on
 13 record. Excessive heat can cause heat stroke and even death if not
 14 treated properly. It also exacerbates existing health problems like
 15 asthma, kidney failure, and heart disease. Workers in agriculture
 16 and construction are at highest risk, but the problem affects all
 17 workers exposed to heat, including indoor workers without climate-
 18 controlled environments.

19 b. Heat stress killed 815 United States workers and seriously
 20 injured more than 70,000 workers from 1992 through 2017,
 21 according to the United States Department of Labor, Bureau of
 22 Labor Statistics.

23 c. To date, three states, California, Oregon, and Washington,
 24 have state occupational safety and health standards that cover
 25 outdoor heat exposure. Minnesota has a state standard that covers
 26 indoor heat exposure. The United States military has also issued
 27 heat protections.

28 d. The Occupational Safety and Health Administration (OSHA)
 29 in the United States Department of Labor has not adopted a heat
 30 stress standard.

31 e. In the absence of a heat stress adopted by OSHA, New
 32 Jersey may through legislation and regulation adopt a heat stress
 33 standard for the protection of employees against heat-related illness
 34 and injury that applies to employers and employees in this State
 35 both in private and public employment.

36
 37 2. As used in this act:

38 ¹"Amusement park" means any permanent outdoor facility or
 39 park where amusement rides are available for use by the general
 40 public.¹

41 "Commissioner" means the Commissioner of the Department of
 42 Labor and Workforce Development or the commissioner's designee.

43 "Department" means the Department of Labor and Workforce
 44 Development.

45 "Employ" means to suffer or to permit to work.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALA committee amendments adopted May 16, 2024.

1 “Employee” means any individual employed by an employer.

2 “Employer” means any individual, partnership, association,
3 corporation, and the State and any county, municipality, or school
4 district in the State, or any agency, authority, department, bureau, or
5 instrumentality thereof acting directly or indirectly in the interest of
6 an employer in relation to an employee.

7 “Excessive heat” means levels of outdoor or indoor exposure to
8 heat that exceed the capacities of the human body to maintain
9 normal body functions and may cause heat-related injury or illness,
10 including those that lead to death.

11 “Heat-related illness” means a medical condition resulting from
12 the inability of the body to rid itself of excess heat, including heat
13 rash, heat cramps, heat exhaustion, heat syncope, and heat stroke.

14 “Heat stress” means the net load to which a worker is exposed
15 from the combined contributions of metabolic heat, environmental
16 factors, and clothing worn which result in an increase in heat
17 storage in the body, causing body temperature to rise to sometimes
18 dangerous levels.

19 “Occupation” means any occupation, service, trade, business,
20 industry or branch or group of industries or employment or class of
21 employment in which employees are employed.

22 “Occupational safety and health standard” means a regulation or
23 rule that requires the following: a condition that is reasonably
24 appropriate or necessary to make employment and places of
25 employment safe and healthful; or the adoption or use of a means,
26 method, operation, practice, or process that is reasonably
27 appropriate or necessary to make employment and places of
28 employment safe and healthful.

29 “Place of employment” means a place in or about which an
30 employee is allowed.

31

32 3. a. On or before June 1, ¹~~2024~~ 2025¹, the commissioner
33 shall establish by rule a heat stress standard that contains the
34 following:

35 (1) A standard that establishes heat stress levels for
36 ¹~~employers~~ employees¹ that, if exceeded, trigger actions by
37 employers to protect employees from heat-related illness and injury.

38 (2) A requirement that each employer develop, implement, and
39 maintain an effective heat-related illness and injury prevention plan
40 for employees ¹within 30 days of the effective date of this act¹.

41 b. The heat-related illness and injury prevention plan referred
42 to in subsection a. of this section shall, to the extent permitted by
43 federal law, be developed and implemented with the meaningful
44 participation of employees and employee representatives, including
45 collective bargaining representatives; shall be tailored and specific
46 to the hazards in the place of employment; shall be in writing in
47 both English and in the language understood by a majority of the
48 employer’s employees, if that language is not English; and shall be

1 made available at a time and in a manner set forth by the
2 commissioner in rule, to employees, employee representatives,
3 including collective bargaining representatives, and to the
4 commissioner.

5 c. The heat-related illness and injury prevention plan referred
6 to in subsection a. of this section shall at a minimum contain
7 procedures and methods for the following:

8 (1) initial and regular monitoring for employee exposure to heat
9 to determine whether an employee's exposure has been excessive;

10 (2) providing potable water¹, available immediately and in
11 immediate proximity to impacted employees,¹ with a temperature of
12 less than 15 degrees Celsius or 59 degrees Fahrenheit;

13 (3) providing paid rest breaks and access to shade, cool-down
14 areas or climate-controlled spaces;

15 (4) providing an emergency response for any employee who has
16 suffered injury as a result of being exposed to excessive heat;

17 (5)¹~~[(7)]~~ acclimatizing employees to areas where exposure to heat is
18 present;

19 (6)¹ limiting the length of time an employee may be
20 exposed to heat during the workday;

21 ¹~~[(7)]~~¹(6) for outdoor and indoor non-climate-controlled
22 environments, implementation of a heat alert program to provide
23 notification to employees when the National Weather Service
24 forecasts that a heat wave is likely to occur in the following day or
25 days, and when that notification occurs, also taking the following
26 actions:

27 (a) postponing tasks that are ¹~~[(7)]~~ not urgent non-essential¹ until
28 the excessive¹ heat ¹~~[(7)]~~ wave is over condition subsides¹;

29 (b) increasing the total number of workers to reduce the heat
30 exposure of each worker;

31 (c) instituting or¹ increasing rest allowances;

32 (d) reminding workers to drink liquids in small amounts
33 frequently to prevent dehydration; and

34 (e) to the extent practicable, monitoring the environmental heat
35 index¹ at job sites and resting places;

36 ¹~~[(8)]~~¹(7) preventing hazards, including through the use of:

37 (a) engineering controls that include the isolation of hot
38 processes, the isolation of employees from sources of heat, local
39 exhaust ventilation, shielding from a radiant heat source, the
40 insulation of hot surfaces, air conditioning, cooling fans,
41 evaporative coolers, and natural ventilation;

42 (b) administrative controls that limit exposure to a hazard by
43 adjustment of work procedures or work schedules, including
44 ¹~~[(8)]~~ acclimatizing employees,¹ rotating employees, scheduling work
45 earlier or later in the day, using work-rest schedules, reducing work
46 intensity or speed, changing required work clothing and using relief
47 workers; and

- 1 (c) personal protective equipment, including water-cooled
2 garments, air-cooled garments, reflective clothing, and cooling
3 vests;
- 4 ¹[(9)](8)¹ coordinating risk assessment efforts, plan
5 development, and implementation with other employers who have
6 employees who work at the same work site; and
- 7 ¹[(10)](9)¹ allowing employees to contact the employer directly
8 and efficiently to communicate if the employee feels like the
9 employee is suffering from a heat-related illness.
- 10 d. The heat-related illness and injury prevention plan referred to
11 in subsection a. of this section shall contain at a minimum annual
12 training and education to employees who may be exposed to high
13 heat levels, including training and education regarding the
14 following:
- 15 (1) the identification of heat-related illness risk factors;
 - 16 (2) personal factors that may increase susceptibility to heat-
17 related illness;
 - 18 (3) signs and symptoms of heat-related illness;
 - 19 (4) different types of heat-related illness;
 - 20 (5) the importance of ¹[acclimatization and]¹ consumption of
21 fluids;
 - 22 (6) available engineering control measures;
 - 23 (7) administrative control measures;
 - 24 (8) the importance of reporting heat-related symptoms being
25 experienced by an employee or another employee;
 - 26 (9) record-keeping requirements and reporting procedures;
 - 27 (10) emergency response procedures; and
 - 28 (11) employee rights under this act and department rules
29 promulgated to implement this act.
- 30 e. The heat-related illness and injury prevention plan referred
31 to in subsection a. of this section shall contain at a minimum special
32 training and education to employees who are supervisors, in
33 addition to the training and education provided to all employees
34 under subsection d. of this section, which shall include training and
35 education regarding the following:
- 36 (1) proper procedures a supervisor is required to follow under
37 this section with respect to the prevention of employee exposure to
38 excessive heat;
 - 39 (2) how to recognize high-risk situations, including how to
40 monitor weather reports and weather advisories and how to avoid
41 assigning an employee to a situation that could predictably
42 compromise the safety of the employee; and
 - 43 (3) proper procedures including emergency response procedures
44 to follow when an employee exhibits signs or reports symptoms
45 consistent with possible heat-related illness.
- 46 f. The heat-related illness and injury prevention plan referred
47 to in subsection a. of this section shall require that the education
48 and training referred to in subsections d. and e. of this section:

- 1 (1) be provided by an employer for each new employee before
2 starting a job assignment;
- 3 (2) provide employees opportunities to ask questions, provide
4 feedback, and request additional instruction, clarification, or
5 another follow-up;
- 6 (3) be provided by an individual with knowledge of heat-related
7 illness prevention and of the plan of the employer required under
8 subsection a. of this section; and
- 9 (4) be appropriate in content and vocabulary commensurate to
10 the language, education level, and literacy of the employees.
- 11 g. A requirement that each employer shall maintain the
12 following:
- 13 (1) records related to the heat-related illness and injury
14 prevention plan referred to in subsection a. of this section, including
15 heat-related illness risk and hazard assessments and identification,
16 evaluation, correction and training procedures;
- 17 (2) data on all heat-related illnesses, injuries and fatalities that
18 have occurred at the place of employment, including but not limited
19 to: the type of heat-related illness or injury experienced and
20 symptoms experienced, the cause of death, the time at which
21 manifestation of illness, injury, or death occurred, environmental
22 measures, including temperature and humidity levels, at time of
23 manifestation of illness, injury or death, a description of the
24 location where the manifestation of illness, injury or death
25 occurred; and
- 26 (3) data on environmental and physiological measurements
27 related to heat.
- 28 h. A requirement that each employer make the records and data
29 referred to in subsection g. of this section available, on request for
30 examination and copying at no cost, to employees, their authorized
31 representatives, including collective bargaining representatives, and
32 to the commissioner¹, as well as to the public. The employer shall
33 preserve the records and data for a minimum of six years¹.
- 34 i. Employers shall be required to comply ¹immediately upon
35 the effective date of this act with provisions in section 4 of this act
36 preventing retaliation and,¹ with the provisions of the heat stress
37 standard promulgated by rule in accordance with this section 30
38 days after the rules containing the heat stress standard are adopted.
- 39 j. Notwithstanding the provisions of the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the
41 contrary, the commissioner may adopt, immediately upon filing
42 with the Office of Administrative Law, the heat stress standard
43 required by this section, which shall be effective for a period not to
44 exceed 365 days from the date of the filing. Before the expiration
45 of the heat stress standard, the commissioner shall thereafter amend,
46 adopt, or readopt the rules in accordance with the requirements of
47 P.L.1968, c.410 (C.52:14B-1 et seq.).

1 ¹k. An amusement park, as defined by section 2 of this act, shall
2 be exempt from the requirements of this act.¹

3
4 ¹[4. An employer may not discriminate or retaliate against an
5 employee for:

6 a. Reporting a heat-related illness or injury concern to, or
7 seeking assistance or intervention with respect to heat-related health
8 symptoms from, the employer, local emergency services, the federal
9 government, the State, or a local government; or

10 b. Exercising any other rights of the employee under this act.]¹

11

12 ¹4. a. It shall be a violation of this act for an employer to
13 retaliate through termination of employment, discipline, or in any
14 other manner against any employee for exercising any rights
15 granted by this act. There shall be a rebuttable presumption of
16 unlawful retaliation under this section whenever an employer takes
17 adverse action against an employee within 90 days of when that
18 employee exercises the employee's rights protected under this act.

19 b. It is a violation of this act for an employer to retaliate or take
20 adverse action against an employee if the employee:

21 (1) makes a complaint to an employer, to a coworker, to a
22 community organization, before a public hearing, or to a State or
23 federal agency that rights guaranteed under this act have been
24 violated;

25 (2) seeks assistance or intervention with respect to heat-related
26 health symptoms from, the employer, local emergency services, the
27 federal government, the State, or a local government;

28 (3) refuses to work if the employee reasonably believes:

29 (a) that an employer has not met the minimum requirements
30 under this act to prevent illness and injury; or

31 (b) that performing the required work in extreme temperature
32 conditions may result in illness or injury;

33 (4) institutes any proceeding under or related to this act; or

34 (5) testifies or prepares to testify in an investigation or
35 proceeding under this act.

36 c. Any employer that violates the provisions of this section
37 shall be subject to administrative penalties, which penalties the
38 commissioner shall be authorized to assess and collect as specified
39 in a schedule of penalties to be promulgated by the commissioner
40 by regulation to implement the provisions of this section. Any
41 penalty imposed pursuant to this section may be recovered with
42 costs in a summary proceeding commenced by the commissioner
43 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
44 c.274 (C.2A:58-10 et seq.).

45 d. (1) Upon a violation of any of the provisions of this section,
46 an employee or former employee may institute a civil action in the
47 Superior Court for relief. All remedies available in common law

1 tort actions shall be available to a prevailing plaintiff. The court
2 may also order any or all of the following relief:

3 (a) an assessment of a civil fine of not more than \$500 for the
4 first violation and not more than \$1,000 for each subsequent
5 violation;

6 (b) an injunction to restrain the continued violation of any of the
7 provisions of this section;

8 (c) reinstatement of the employee to the same position or to a
9 position equivalent to that which the employee held prior to
10 unlawful discharge or retaliatory action;

11 (d) reinstatement of full fringe benefits and seniority rights;

12 (e) compensation for any lost wages, benefits and other
13 remuneration; and

14 (f) payment of reasonable costs and attorney's fees.

15 (2) An action brought under this subsection d. shall be
16 commenced within one year of the date of the alleged violation.¹

17

18 ¹**[5.** There shall be established a rebuttable presumption of
19 retaliation if an employer takes an adverse action against an
20 employee within 90 days of any conduct protected under this act.**]**¹

21

22 ¹**[6.]** 5.¹ None of the provisions of this act shall be construed
23 to diminish the rights, privileges, or remedies of any employee
24 under a collective bargaining agreement.

25

26 ¹**[7.]** 6.¹ There shall be established, within the Department of
27 Labor and Workforce Development, an "Occupational Heat-related
28 Illness and Injury Prevention Program," which shall be responsible
29 for enforcing the provisions of this act, and the heat stress standard
30 promulgated by rule pursuant to this act, and which shall provide
31 outreach and education to employers and employees regarding this
32 act and the heat stress standard.

33

34 ¹**[8.]** 7.¹ The commissioner shall have the authority to:

35 a. Investigate and ascertain compliance with this act in any
36 place of employment in the State;

37 b. Enter and inspect the place of business or employment of
38 any employer in the State for the purpose of examining and
39 inspecting any or all records of any employer that in any way relate
40 to or have a bearing upon the question of compliance with this act;
41 copy any or all of those records as the commissioner may deem
42 necessary or appropriate; question any workers; and conduct any
43 tests to determine whether this act has been violated; and

44 c. Require from any employer full and correct statements in
45 writing, including sworn statements, with respect to compliance
46 with this act as the commissioner may deem necessary or
47 appropriate.

1 ¹**[9. When]** 8. Except as provided in section 4 of this act for
2 penalties concerning adverse action taken by an employer, when¹
3 the commissioner finds that an employer has violated this act or the
4 rules promulgated by the department to implement this act, the
5 commissioner may assess and collect an administrative penalty,
6 ¹within 365 days following the establishment of rules by the
7 commissioner,¹ of not less than \$500 and not more than \$5,000 per
8 ¹employee employed at or during the time of the¹ violation,
9 pursuant to a schedule of penalties established by the commissioner
10 through rules in accordance with the “Administrative Procedure
11 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.). ¹Penalties shall be
12 adjusted every five years by the commissioner in direct proportion
13 to the rise or fall of the consumer price index as reported by the
14 U.S. Bureau of Labor Statistics.¹ Any administrative penalty
15 assessed under this section against a corporation, partnership,
16 limited liability company, or sole proprietorship, shall be effective
17 against any successor entity that is engaged in the same or
18 equivalent trade or activity, and has one or more of the same
19 principals or officers, as the corporation, partnership, limited
20 liability company, or sole proprietorship against which the
21 administrative penalty was assessed.

22
23 ¹**[10.]** 9.¹ When determining the amount of the administrative
24 penalty imposed under section ¹**[9]** 8¹ of this act, the commissioner
25 shall consider factors, which shall include the history of previous
26 violations by the employer, the seriousness of the violation, the good
27 faith of the employer and the size of the employer's business. No
28 administrative penalty shall be levied pursuant to this section unless
29 the commissioner provides the alleged violator with notification of the
30 violation and of the amount of the penalty and an opportunity within
31 15 days following the receipt of the notice to request a hearing before
32 the commissioner.

33 If a hearing is requested, the commissioner shall issue a final order
34 upon the completion of the hearing. If no hearing is requested, the
35 notice shall become a final order upon expiration of the 15-day period.
36 Payment of the administrative penalty is due when a final order is
37 issued or when the notice becomes a final order. Any administrative
38 penalty imposed pursuant to this section may be recovered with costs
39 in a summary proceeding commenced by the commissioner pursuant
40 to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-
41 10 et seq.). Any sum collected as a fine or penalty pursuant to this
42 section shall be applied toward enforcement of this act and
43 administration costs of the “Occupational Heat-related Illness and
44 Injury Prevention Program” established within the Department of
45 Labor and Workforce Development.

1 ¹**[11.] 10.**¹ Any employer who willfully hinders or delays the
2 commissioner in the performance of the commissioner's duties in
3 the enforcement of this act, or fails to make, keep, and preserve any
4 records as required under the provisions of this act, or falsifies any
5 record, or refuses to make any record accessible to the
6 commissioner upon demand, or refuses to furnish a sworn statement
7 of the record or any other information required for the proper
8 enforcement of this act to the commissioner or otherwise violates
9 any provision of this act or of any departmental rule promulgated or
10 order issued under this act shall be guilty of a disorderly persons
11 offense and shall, upon conviction for a first violation ¹within 365
12 days following the establishment of rules by the commissioner¹, be
13 punished by a fine of not less than \$100 nor more than \$1,000 or by
14 imprisonment for not less than 10 nor more than 90 days, or by both
15 the fine and imprisonment and, upon conviction for a second or
16 subsequent violation, shall be punished by a fine of not less than
17 \$500 nor more than \$5,000 or by imprisonment for not less than 10
18 nor more than 100 days, or by both the fine and imprisonment.
19 ¹Penalties shall be adjusted every five years by the commissioner in
20 direct proportion to the rise or fall of the consumer price index as
21 reported by the U.S. Bureau of Labor Statistics.¹

22
23 ¹**[12.] 11.**¹ a. If the commissioner determines, after either
24 an initial determination as a result of an audit of a business or an
25 investigation pursuant to this act, that an employer is in violation of
26 this act, the commissioner may issue a stop-work order against the
27 employer requiring cessation of all business operations of the
28 employer at one or more worksites or across all of the employer's
29 worksites and places of business. The stop-work order may be issued
30 only against the employer found to be in violation or non-compliance.
31 The commissioner shall serve a notification of intent to issue a stop-
32 work order on the employer at the place of business or, for a particular
33 employer worksite, at that worksite, at least seven days prior to the
34 issuance of a stop-work order. The stop-work order shall be effective
35 when served upon the employer at the place of business or, for a
36 particular employer worksite, when served at that worksite. The stop-
37 work order shall remain in effect until the commissioner issues an
38 order releasing the stop-work order upon finding that the employer has
39 come into compliance and has paid any administrative penalty deemed
40 to be satisfactory to the commissioner, or after the commissioner
41 determines, in a hearing held pursuant to subsection b. of this section,
42 that the employer did not commit the act on which the order was
43 based. The stop-work order shall be effective against any successor
44 entity engaged in the same or equivalent trade or activity that has one
45 or more of the same principals or officers as the corporation,
46 partnership, limited liability company, or sole proprietorship against
47 which the stop-work order was issued. The commissioner may assess

1 a civil penalty of \$5,000 per day¹, within 365 days following the
2 establishment of rules by the commissioner,¹ against an employer for
3 each day that it conducts business operations that are in violation of
4 the stop-work order. A request for hearing shall not automatically stay
5 the effect of the order. ¹Penalties shall be adjusted every five years by
6 the commissioner in direct proportion to the rise or fall of the
7 consumer price index as reported by the U.S. Bureau of Labor
8 Statistics¹

9 b. An employer who is subject to a stop-work order shall, within
10 72 hours of its receipt of the notification, have the right to appeal to
11 the commissioner in writing for an opportunity to be heard and contest
12 the stop-work order.

13 c. Within seven business days of receipt of the notification from
14 the employer, the commissioner shall hold a hearing to allow the
15 employer to contest the issuance of a stop-work order. The department
16 and the employer may present evidence and make any arguments in
17 support of their respective positions regarding the findings of the audit
18 or investigation. The commissioner shall issue a written decision
19 within five business days of the hearing either upholding or reversing
20 the employer's stop-work order. The decision shall include the
21 grounds for upholding or reversing the employer's stop-work order. If
22 the employer disagrees with the written decision, the employer may
23 appeal the decision to the commissioner, in accordance with the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

25 d. If the employer does not request an appeal to the commissioner
26 in writing, the stop-work order shall become a final order after the
27 expiration of the 72-hour period.

28 e. The commissioner may compromise any civil penalty assessed
29 under this section in an amount the commissioner determines to be
30 appropriate.

31 f. Once the stop-work order becomes final, any employee
32 affected by a stop-work order issued pursuant to this section shall be
33 entitled to pay from the employer for the first ten days of work lost
34 because of the stop-work. Upon request of any employee not paid
35 wages, the commissioner can take assignment of the claim and bring
36 any legal action necessary to collect all that is due.

37
38 ¹**[13.] 12.**¹ After each employer has, under section 3 of this act,
39 implemented a heat-related illness and injury prevention plan in
40 accordance with the requirements of the department's heat stress
41 standard, each employer shall on or before May 1 of each
42 subsequent year, or the next business day, if May 1 falls on a
43 Saturday, Sunday or holiday, review and subsequently release and
44 communicate to their employees and any authorized representatives
45 of their employees, including their collective bargaining
46 representatives, an updated version of the employer's heat-related
47 illness and injury prevention plan. Employers' heat-related illness

1 and injury prevention plans may not need revision, but employers
2 shall be required to conduct an annual review to determine whether
3 revisions are necessary.

4
5 ¹~~14.~~ 13.¹ The statute of limitations under this act shall be six
6 years after the alleged cause of action accrues.

7
8 ¹~~15.~~ 14.¹ a. Beginning immediately following enactment
9 of this act, in each instance in which a place of employment
10 experiences excessive heat, an employer shall:

11 (1) postpone tasks that are ¹~~not urgent~~ non-essential¹ until the
12 ¹~~period of~~ excessive heat ¹~~has ended~~ condition subsides¹;

13 (2) take all necessary measures to reduce the heat exposure of each
14 worker, including but not limited to, shortening work shifts by
15 increasing the number of shifts and the corresponding total number of
16 workers;

17 (3) increase rest allowances¹, which shall be paid¹;

18 (4) permit workers to drink liquids in small amounts frequently to
19 prevent dehydration;

20 (5) monitor the environmental heat at job sites and resting places;

21 (6) permit employees to contact the employer directly and
22 efficiently to communicate if they believe they are suffering from a
23 heat-related illness;

24 (7) conduct initial and regular monitoring for employee exposure
25 to heat to determine whether an employee's exposure has been
26 excessive;

27 (8) provide ¹32 ounces of¹ potable water ¹per hour to each
28 employee, in immediate proximity of each employee,¹ with a
29 temperature of less than 59 degrees Fahrenheit;

30 (9) provide paid rest breaks and access to shade, cool-down areas
31 or climate-controlled spaces in accordance with heat index levels in
32 the National Weather Service Heat Index Chart;

33 (10) provide an emergency response for any employee who has
34 suffered injury as a result of being exposed to excessive heat; ¹and¹

35 (11) ¹~~acclimatize employees to areas where exposure to heat is~~
36 present; and

37 (12) ¹~~limit the length of time an employee may be exposed to~~
38 heat during the workday.

39 b. "Excessive heat" shall be defined by the commissioner through
40 the rules adopted pursuant to section ¹~~10~~ 9.¹ of this act; provided,
41 however, until rules are adopted, for the purposes of this section,
42 "excessive heat" shall mean:

43 (1) for an outdoor place of employment, a heat index at or above
44 ¹~~90~~ 80¹ degrees Fahrenheit according to the National Weather
45 Service Heat Index Chart; and

46 (2) for an indoor place of employment, the temperature equals or
47 exceeds ¹~~87~~ 80¹ degrees Fahrenheit when employees are present;

1 the heat index equals or exceeds ¹~~87~~ 80¹ degrees Fahrenheit when
2 employees are present; employees wear clothing that restricts heat
3 removal, and the temperature equals or exceeds ¹~~82~~ 75¹ degrees
4 Fahrenheit; or employees work in a high radiant heat area and the
5 temperature equals or exceeds ¹~~82~~ 75¹ degrees Fahrenheit.

6

7 ¹~~16.~~ 15.¹ This act shall take effect immediately, except that
8 the department rules establishing a heat stress standard shall be
9 issued on or before June 1, ¹~~2024~~ 2025¹.