

# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE, No. 2422

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 6, 2024

The Senate Labor Committee reports favorably and with committee amendments Senate Bill No. 2422.

This bill requires the Commissioner of Labor and Workforce Development to establish by rule a heat stress standard that contains the following:

1. a standard that establishes heat stress levels for employers that, if exceeded, trigger actions by employers to protect employees from heat-related illness and injury.
2. a requirement that each employer develop, implement, and maintain an effective heat-related illness and injury prevention plan for employees.

The heat-related illness and injury prevention plan referred to above is required, to the extent permitted by federal law, to be developed and implemented with the meaningful participation of employees and employee representatives, including collective bargaining representatives; will be tailored and specific to the hazards in the place of employment; will be in writing in both English and in the language understood by a majority of the employer's employees, if that language is not English; and will be made available at a time and in a manner set forth by the commissioner in rule, to employees, employee representatives, including collective bargaining representatives, and to the commissioner.

The bill provides that the commissioner may issue a stop-work order against the employer requiring cessation of all business operations of the employer at one or more worksites or across all of the employer's worksites and places of business if the commissioner determines, after either an initial determination as a result of an audit of a business or an investigation pursuant to the bill, that an employer is in violation of the bill's provisions.

Under the bill, after initially creating a heat-related illness and injury prevention plan, employers will be required to conduct an annual review to determine whether revisions to their plans are necessary.

The bill imposes penalties and potential imprisonment for violations of its provisions.

COMMITTEE AMENDMENTS:

The committee amended the bill to

1. Delay the requirement that the commissioner implement a heat stress standard rule from June 1, 2024 to June 1, 2025;
2. have the bill's requirement that employers implement a heat-related illness and injury prevention plan for employees go into effect within 30 days of the effective date of the bill;
3. eliminate all references to "acclimatization" to and from excessive heat conditions";
4. require that each employer preserve recordkeeping and data required to be kept in accordance with the bill's provisions for a minimum of six years;
5. include anti-retaliation provisions that include administrative penalties as well as a private right to a cause of action against employers that retaliate against employees for exercising rights granted by the bill;
6. provide that administrative penalties assessed pursuant to the bill be adjusted for inflation once every five years;
7. exempt amusement parks from the provisions of the bill; and
8. lower the temperature thresholds in the definition of excessive heat.