

ASSEMBLY, No. 877

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 34 (Essex and Passaic)

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District 37 (Bergen)

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SYNOPSIS

Concerns occupational safety and health for public employees of certain interstate authorities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning occupational safety and health for certain
2 public employees, amending P.L.1983, c.516, and supplementing
3 various parts of the statutory law to amend the compacts and
4 agreements concerning certain interstate authorities.

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

8
9 1. Section 3 of P.L.1983, c.516 (C.34:6A-27) is
10 amended to read as follows:

11 3. As used in [this act] P.L.1983, c.516 (C.34:6A-25 et seq.):

12 [a.] "Advisory board" means the Public Employees'
13 Occupational Safety and Health Advisory Board created by section
14 4 of [this act;] P.L.1983, c.516 (C.34:6A-28).

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

17 [c.] "Employer" means public employer and shall include any
18 person acting directly on behalf of, or with the knowledge and
19 ratification of: (1) the State, or any department, division, bureau,
20 board, council, agency, or authority of the State [, except any bi-
21 state agency; or] ; (2) any county, municipality, or any department,
22 division, bureau, board, council, agency, or authority of any county
23 or municipality, or of any school district or special purpose district
24 created pursuant to law; or (3) any interstate authority utilizing its
25 own police officers or firefighters.

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

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

41 [f.] "Interstate authority" means a public bi-state or multi-state
42 authority, commission, or corporation, created by compact or
43 agreement between the State of New Jersey and another state,

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.

1 whether or not the existence of that interstate authority required the
2 approval of Congress, including, but not limited to: the Port
3 Authority of New York and New Jersey; the Delaware River Joint
4 Commission, known as the Delaware River Port Authority; the
5 Delaware River and Bay Authority; the Delaware River Joint Toll
6 Bridge Commission; the Palisades Interstate Park Commission; and
7 the Waterfront Commission of New York Harbor.

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

11 **[g.]** "Secretary" means the Secretary of the United States
12 Department of Labor**;**

13 **[h.]** "Workplace" means a place where public employees are
14 assigned to work.

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

16
17 2. (New section) a. The Governor is authorized to enter into a
18 supplemental compact or agreement, on behalf of the State of New
19 Jersey, with the State of New York amending the compact of April
20 30, 1921, between the states of New York and New Jersey, as
21 amended and supplemented, creating the Port Authority of New
22 York and New Jersey to effectuate the provisions of P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24 b. The Governor is authorized to apply, on behalf of the State
25 of New Jersey, to the Congress of the United States for its consent
26 and approval to that supplemental compact or agreement, but in the
27 absence of consent and approval, the Port Authority of New York
28 and New Jersey referred to in the supplemental compact or
29 agreement shall have all of the powers which the State of New York
30 and the State of New Jersey may confer upon it without the consent
31 and approval of Congress.

32 c. The compact of April 30, 1921, between the states of New
33 York and New Jersey, as amended and supplemented, creating the
34 Port Authority of New York and New Jersey as heretofore amended
35 and supplemented, is amended and supplemented by adding thereto,
36 as a part thereof, a new provision reading as follows:

37 The Port Authority of New York and New Jersey is an employer
38 as defined under section 3 of P.L.1983, c.516 (C.34:6A-27) and its
39 employees shall be subject to the provisions of the "New Jersey
40 Public Employees' Occupational Safety and Health Act," P.L.1983,
41 c.516 (C.34:6A-25 et seq.) or a substantially similar law of the State
42 of New York, as appropriate.

43
44 3. (New section) a. The Governor is authorized to enter into a
45 supplemental compact or agreement, on behalf of the State of New
46 Jersey, with the Commonwealth of Pennsylvania supplementing the
47 compact or agreement between the Commonwealth of Pennsylvania
48 and the State of New Jersey entitled "Agreement Between the

1 Commonwealth of Pennsylvania and the State of New Jersey
2 creating the Delaware River Joint Commission as a body corporate
3 and politic and defining its powers and duties,” to effectuate the
4 purposes of P.L. , c. (C.) (pending before the Legislature as
5 this bill).

6 b. The Governor is authorized to apply, on behalf of the State
7 of New Jersey, to the Congress of the United States for its consent
8 and approval to that supplemental compact or agreement, but in the
9 absence of consent and approval, the commission referred to in the
10 supplemental compact or agreement shall have all of the powers
11 which the Commonwealth of Pennsylvania and the State of New
12 Jersey may confer upon it without the consent and approval of
13 Congress.

14 c. The "Agreement between the Commonwealth of
15 Pennsylvania and the State of New Jersey creating the Delaware
16 River Joint Commission as a body corporate and politic and
17 defining its powers and duties,” as heretofore amended and
18 supplemented is amended and supplemented by adding thereto, as a
19 part thereof, a new provision reading as follows:

20 The Delaware River Joint Commission is an employer as defined
21 under section 3 of P.L.1983, c.516 (C.34:6A-27) and its employees
22 shall be subject to the provisions of the "New Jersey Public
23 Employees' Occupational Safety and Health Act," P.L.1983, c.516
24 (C.34:6A-25 et seq.) or a substantially similar law of the
25 Commonwealth of Pennsylvania, as appropriate.

26

27 4. (New section) a. The Governor is authorized to enter into a
28 supplemental compact or agreement, on behalf of the State of New
29 Jersey, with the Commonwealth of Pennsylvania amending the
30 compact or agreement between the Commonwealth of Pennsylvania
31 and the State of New Jersey entitled “Agreement between the State
32 of New Jersey and the Commonwealth of Pennsylvania creating the
33 Delaware River Joint Toll Bridge Commission as a body corporate
34 and politic and defining its powers and duties,” to effectuate of
35 purposes of P.L. , c. (C.) (pending before the Legislature as
36 this bill).

37 b. The Governor is authorized to apply, on behalf of the State
38 of New Jersey, to the Congress of the United States for its consent
39 and approval to that supplemental compact or agreement, but in the
40 absence of consent and approval, the commission referred to in the
41 supplemental compact or agreement shall have all of the powers
42 which the Commonwealth of Pennsylvania and the State of New
43 Jersey may confer upon it without the consent and approval of
44 Congress.

45 c. The "Agreement between the Commonwealth of
46 Pennsylvania and the State of New Jersey creating the Delaware
47 River Joint Toll Bridge Commission as a body corporate and politic
48 and defining its powers and duties,” as heretofore amended and

1 supplemented, is amended and supplemented by adding thereto, as a
2 part thereof, a new provision reading as follows:

3 The Delaware River Joint Toll Bridge Commission is an
4 employer as defined under section 3 of P.L.1983, c.516 (C.34:6A-
5 27) and its employees shall be subject to the provisions of the "New
6 Jersey Public Employees' Occupational Safety and Health Act,"
7 P.L.1983, c.516 (C.34:6A-25 et seq.) or a substantially similar law
8 of the Commonwealth of Pennsylvania, as appropriate.

9
10 5. (New section) a. The Governor is authorized to enter into a
11 supplemental compact or agreement, on behalf of the State of New
12 Jersey, with the State of Delaware amending the compact or
13 agreement between the State of Delaware and the State of New
14 Jersey known as the "Delaware-New Jersey Compact," to effectuate
15 the provisions of P.L. , c. (C.) (pending before the
16 Legislature as this bill).

17 b. The Governor is authorized to apply, on behalf of the State
18 of New Jersey, to the Congress of the United States for its consent
19 and approval to that supplemental compact or agreement, but in the
20 absence of consent and approval, the Delaware River and Bay
21 Authority referred to in the supplemental compact or agreement
22 shall have all of the powers which the State of Delaware and the
23 State of New Jersey may confer upon it without the consent and
24 approval of Congress.

25 c. The "Delaware-New Jersey Compact" as heretofore
26 amended and supplemented, is amended and supplemented by
27 adding thereto, as a part thereof, a new provision reading as
28 follows:

29 The Delaware River and Bay Authority is an employer as
30 defined under section 3 of P.L.1983, c.516 (C.34:6A-27) and its
31 employees shall be subject to the provisions of the "New Jersey
32 Public Employees' Occupational Safety and Health Act," P.L.1983,
33 c.516 (C.34:6A-25 et seq.) or a substantially similar law of the State
34 of Delaware, as appropriate.

35
36 6. (New section) The compact of June 2, 1937, creating the
37 Palisades Interstate Park Commission, as heretofor amended and
38 supplemented, is amended and supplemented by adding thereto, as a
39 part thereof, a new provision reading as follows:

40 The Palisades Interstate Park Commission, with respect to its
41 jurisdiction within those portions of the Palisades Interstate Park
42 within the State of New Jersey, is an employer as defined under
43 section 3 of P.L.1983, c.516 (C.34:6A-27) and its employees,
44 employed with respect to the commission's jurisdiction within those
45 portions of the Palisades Interstate Park within the State of New
46 Jersey, shall be subject to the provisions of the "New Jersey Public
47 Employees' Occupational Safety and Health Act," P.L.1983, c.516
48 (C.34:6A-25 et seq.), as appropriate.

1 The bill also adds a definition of “interstate authority” for the
2 purposes of the “New Jersey Public Employees’ Occupational
3 Safety and Health Act.” The bill defines “interstate authority” as a
4 public bi-state or multi-state authority, commission, or corporation,
5 created by compact or agreement between the State of New Jersey
6 and another state.

7 Currently, the definition of “employer” in the “New Jersey
8 Public Employees’ Occupational Safety and Health Act”
9 specifically excludes any bi-state agency; this bill removes the
10 exclusion of bi-state agencies from the definition and adds any
11 interstate authority utilizing its own police or firefighters to the
12 definition. This bill provides that workers employed by an interstate
13 authority that utilizes its own police officers and firefighters will be
14 subject to the protections afforded under the “New Jersey Public
15 Employees’ Occupational Safety and Health Act.”

16 The bill also authorizes the Governor to enter into supplemental
17 compacts or agreements, on behalf of the State of New Jersey, with
18 the States of New York, and Delaware, and the Commonwealth of
19 Pennsylvania, as necessary, to amend the compacts formed with
20 those states, which govern the interstate authorities which New
21 Jersey and those states compacted to form, to provide that those
22 entities shall be subject to the provisions of the “New Jersey Public
23 Employees’ Occupational Safety and Health Act.” The authorities
24 include:

- 25 • Port Authority of New York and New Jersey;
- 26 • Delaware River Port Authority;
- 27 • Delaware River Joint Toll Bridge Commission;
- 28 • Delaware River and Bay Authority; and
- 29 • Waterfront Commission of New York Harbor.

30 With respect to the interstate authorities, the bill’s provisions are
31 inoperative until the passage of concurrent legislation by the other
32 compacting states, and approval of Congress, except that in the
33 absence of concurrent legislation, the authority may confer the
34 application of the bill’s provisions to the extent the Governors and
35 commissioners are able to do so.

36 The bill also amends the compact which formed the Palisades
37 Interstate Park Commission to provide that those employees serving
38 the New Jersey portion of the Palisades Interstate Park are subject
39 to the provisions of the “New Jersey Public Employees’
40 Occupational Safety and Health Act.”