

CHAPTER 110**OCCUPATIONAL SAFETY AND HEALTH
PROCEDURAL STANDARDS FOR PUBLIC
EMPLOYEES****Authority**

N.J.S.A. 34:6A-25 et seq., specifically 34:6A-32 et seq.

Source and Effective Date

R.2008 d.302, effective September 12, 2008.
See: 40 N.J.R. 2409(a), 40 N.J.R. 5816(a).

Chapter Expiration Date

Chapter 110, Occupational Safety and Health Procedural Standards for Public Employees, expires on September 12, 2013.

Chapter Historical Note

Chapter 110, originally Plan Filing for structures to be used as places of employment, was adopted pursuant to N.J.S.A. 34:6A-9 of the Worker Health and Safety Act, and was filed and became effective on July 1, 1969. The chapter was subsequently amended by R.1970 d.36, effective September 1, 1970. See: 1 N.J.R. 14(b), 2 N.J.R. 43(a).

Effective April 1, 1975 the Commissioner, Department of Labor and Industry, withdrew the New Jersey State Plan for Occupational Safety and Health, thereupon jurisdiction for the regulation of occupational safety and health under the Federal Occupational Safety and Health Act of 1970 (OSHA; 29 U.S.C., section 651 et seq.; USPL 91-596) was fully vested with the United States Department of Labor. An order withdrawing the plan was filed on April 16, 1975 as R.1975 d.101. See: 7 N.J.R. 231(a). The text of Chapter 110 was repealed by R.1978 d.288, effective August 16, 1978. See: 10 N.J.R. 258(a), 10 N.J.R. 400(d).

Chapter 110, Procedural Standards for Public Employees, was adopted pursuant to the New Jersey Public Employees Occupational Safety and Health Act, N.J.S.A. 34:6A-25 et seq., as R.1988 d.42, effective January 19, 1988. See: 19 N.J.R. 1941(a), 20 N.J.R. 195(a).

Pursuant to Executive Order No. 66(1978), Chapter 110, Procedural Standards for Public Employees, was readopted as R.1993 d.71, effective January 18, 1993, and was redesignated Occupational Safety and Health Procedural Standards for Public Employees, effective February 1, 1993. See: 24 N.J.R. 4234(a), 25 N.J.R. 595(a).

Pursuant to Executive Order No. 66(1978), Chapter 110, Occupational Safety and Health Procedural Standards for Public Employees, was readopted as R.1998 d.33, effective December 10, 1997; and Subchapter 8, On-Site Consultation, was adopted as new rules and former Subchapter 8, Standards and Publications Referred to in this Chapter, was redesignated as Subchapter 9, effective January 5, 1998. See: 29 N.J.R. 4440(a), 30 N.J.R. 80(a).

Chapter 110, Occupational Safety and Health Procedural Standards for Public Employees, was readopted as R.2003 d.189, effective April 11, 2003. See: 35 N.J.R. 335(a), 35 N.J.R. 1920(a).

Chapter 110, Occupational Safety and Health Procedural Standards for Public Employees, was readopted as R.2008 d.302, effective September 12, 2008. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:110-1.1 Purpose

The purpose of this chapter is to ensure that all public employees are provided with a safe and healthful work environment free from recognized hazards.

Recodified from N.J.A.C. 12:110-1.3 and amended by R.1998 d.33, effective January 5, 1998.
See: 29 N.J.R. 4440(a), 30 N.J.R. 80(a).
Former section was "Title and citation".

12:110-1.2 Scope

This chapter shall apply to employers, employees, and agencies as described in the New Jersey Public Employees Occupational Safety and Health Act, N.J.S.A. 34:6A-25 et seq.

Recodified from N.J.A.C. 12:110-1.4 by R.1998 d.33, effective January 5, 1998.
See: 29 N.J.R. 4440(a), 30 N.J.R. 80(a).
Former section was "Authority".

12:110-1.3 Documents referred to by reference

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 12:110-9.

Recodified from N.J.A.C. 12:110-1.5 and amended by R.1998 d.33, effective January 5, 1998.
See: 29 N.J.R. 4440(a), 30 N.J.R. 80(a).
Former N.J.A.C. 12:110-1.3 was recodified to N.J.A.C. 12:110-1.1.

12:110-1.4 Construction

(a) These rules shall be construed to ensure that recognized workplace hazards are remedied as expeditiously as possible.

(b) Words importing the singular number may extend and be applied to the plural and vice versa.

(c) All references to employees in these rules designate both sexes; whenever the male gender is used it should be construed to include male and female employees.

Recodified from N.J.A.C. 12:110-1.6 and amended by R.1998 d.33, effective January 5, 1998.
See: 29 N.J.R. 4440(a), 30 N.J.R. 80(a).
Former N.J.A.C. 12:110-1.4 was recodified to N.J.A.C. 12:110-1.2.

12:110-1.5 (Reserved)

Recodified to N.J.A.C. 12:110-1.3 by R.1998 d.33, effective January 5, 1998.
See: 29 N.J.R. 4440(a), 30 N.J.R. 80(a).

12:110-1.6 (Reserved)

Recodified to N.J.A.C. 12:110-1.4 by R.1998 d.33, effective January 5, 1998.
See: 29 N.J.R. 4440(a), 30 N.J.R. 80(a).

12:110-1.7 (Reserved)

Repealed by R.1998 d.33, effective January 5, 1998.
See: 29 N.J.R. 4440(a), 30 N.J.R. 80(a).
Section was "Validity".

SUBCHAPTER 2. DEFINITIONS

12:110-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the New Jersey Public Employees Occupational Safety and Health Act, N.J.S.A. 34:6A-25 et seq.

"Commissioner" means the Commissioner of the New Jersey Department of Labor and Workforce Development or his or her designee.

"Commissioner of Community Affairs" means the Commissioner of the New Jersey Department of Community Affairs or his or her designee.

"Commissioner of Health and Senior Services" means the Commissioner of the New Jersey Department of Health and Senior Services or his or her designee.

"Compliance Officer" means the person authorized by:

1. The Commissioner of Labor and Workforce Development to conduct safety inspections; or
2. The Commissioner of Health and Senior Services to conduct health inspections.

"Days" means calendar days unless otherwise specified.

"Discrimination" means any act of restraint, interference, or coercion against an employee for exercising his or her rights under the Act and this chapter or for participating in the agency's safety and health program.

"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 the Act 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; provided, however,