



PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lieutenant Governor*

**State of New Jersey**  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
P.O. BOX 386  
TRENTON, NEW JERSEY 08625-0386

ROBERT ASARO-ANGELO  
*Commissioner*

April 11, 2018

Attention: Public Employees' Occupational Safety and Health Advisory Board Members

Attached are the Public Employees' Occupational Safety and Health Advisory Board meeting minutes from January 25, 2018.

Our next meeting will begin at 10:00 a.m. on Friday, April 20, 2018 at:

NJ Department of Labor & Workforce Development  
One John Fitch Plaza  
13<sup>th</sup> Floor Auditorium  
Trenton, New Jersey

If you have any questions or require additional information, feel free to contact Theresa Kramarz at (609) 984-4738 or via e-mail at [theresa.kramarz@dol.nj.gov](mailto:theresa.kramarz@dol.nj.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "John Monahan".

John Monahan, Assistant Commissioner  
Labor Standards and Safety Enforcement

Enclosures  
c: Support Staff

**MEETING MINUTES**  
**PUBLIC EMPLOYEES' OCCUPATIONAL SAFETY & HEALTH ADVISORY BOARD**  
**Thursday, January 25, 2018**  
**New Jersey Department of Labor and Workforce Development**  
**1 John Fitch Plaza**  
**Trenton, New Jersey**

MEMBERS PRESENT

Robert Asaro-Angelo, Commissioner of Labor & Workforce Development  
Robert Burner, Representative of Employees of County Government  
Paul Malarcher, Representative for County Government  
Dominick Marino, Representative for Fire Services  
Gina Mayer-Costa, Representative for Institutions of Higher Education  
Mark McLane, Representative for Rutgers, The State University  
John Monahan, Designee for Commissioner of Labor & Workforce Development  
Bahram Salahi, Designee for Commissioner of Environmental Protection  
John Saville, Representative for Public  
Robert Weissman, Representative for Public

MEMBERS ABSENT/EXCUSED

Christopher J. Burgos, Representative of Law Enforcement  
Elmer Daniels, Representative for Employees of Public Health Care Facilities  
Richard Hogan, Representative for Municipal Employees  
Colleen Lebak, Substitute Designee for Commissioner of Education  
Robert Shannon, Representative for Municipalities  
Michael Smith, Designee for State Treasurer  
Timothy Rudolph, Representative for State Government Employees

VACANT BOARD POSITIONS

|  |                                  |
|--|----------------------------------|
| Designee for Commissioner of Health            | Public Health Care Facilities    |
| Designee for Commissioner of Community Affairs | Local School Boards              |
| Correctional Institutions                      | Employees of Local School Boards |
| Employees of Correctional Institutions         | Public                           |

NJ DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT SUPPORT STAFF

|              |                     |             |               |
|--------------|---------------------|-------------|---------------|
| Justin Baker | Theresa Kramarz     | Tom Lipski  | Mark Wadiak   |
| Howard Black | Krishna Jagannathan | James Revak | Thomas Wilson |

NJ DEPARTMENT OF HEALTH SUPPORT STAFF

|                 |                 |
|-----------------|-----------------|
| Keith Bobrowski | Gary Centifonti |
|-----------------|-----------------|

OTHERS PRESENT

|                                 |                           |                                      |
|---------------------------------|---------------------------|--------------------------------------|
| Wanda Caudle, HPAE              | Karen Kessler, NJDLWD     | James Rhoads, PMA Group              |
| Julie Diaz, NJDLWD              | Helen Kioukis, CWA        | James Schultz, Morris Co. Fire Acad. |
| Chad DiGiorgio, Cedar Knolls FD | Cecilia Leto, WEC         | Glenn Teryek, NJSP                   |
| Bernie Gerard, HPAE             | Victoria Mulligan, NJDLWD | Carol Tiedeman, USDOL-OSHA           |
| Kevin Hunter, NJDOC             | Mike Preisig, OAG         |                                      |

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**Meeting Motions:**

- None – no quorum.
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Assistant Commissioner John Monahan called the meeting to order at 10:07 a.m. After the flag salute, Assistant Commissioner Monahan introduced Acting Commissioner Robert Asaro-Angelo.

Acting Commissioner Asaro-Angelo provided a brief background on himself and noted the importance of protecting all workers in the State of New Jersey. He noted that he looks forward to working with the Advisory Board.

Secretary Pro Tem Theresa Kramarz called roll and determined there was not a quorum. Therefore, the approval of the October 26, 2017 meeting minutes will be tabled until the next meeting.

**Report of the NJ Department of Health's (NJDOH) PEOSH Enforcement Update – Keith Bobrowski:**

Keith Bobrowski reported the following:

- NJDOH's PEOSH enforcement activity report was distributed and covered the period of October 1 through December 31, 2017. During that period, 32 IAQ/Sanitation complaints/referrals and seven five-day complaints were received; 18 initial on-site inspections, one monitoring inspection, and two follow-up inspections were conducted. Eight cases were closed. Six programmed inspections were also conducted in accordance with the strategic plan at: fire departments (4), a public works facility (1) and a transportation facility (1). Four reports with 10 citations were issued.
- There is currently a 60-day backlog on complaints.
  - Dominick Marino asked about the 60-day backlog.
    - Keith Bobrowski noted that letters are issued to employers for IAQ/Sanitation complaints. They are given 15 days to respond. If the employer's response is inadequate or if the complainant wants an inspection, the cases go into queue for inspection. This is where the 60-day backlog comes from.

**Report of the NJDOH's PEOSH Consultation Program Update – Keith Bobrowski:**

Keith Bobrowski reported the following:

- NJDOH's PEOSH consultation activity report was distributed and covered the period of October 1 through December 31, 2017. During that period, five consultation requests were received; six initial on-site consultation visits and four training and assistance visits were conducted. Four reports with 10 potential hazards were issued.
- Twelve educational seminars and conferences were conducted for 260 employers (260 participants).
- A list of NJDOH's frequently cited standards was also distributed.

Acting Commissioner Asaro-Angelo asked about DOH's staffing levels.

- Gary Centifonti responded that staffing levels have been difficult over the last couple of years. One new full-time consultant in the consultation area was just hired bringing the staffing levels to seven (two in consultation; five in enforcement). Paperwork has been submitted for one additional enforcement consultant. Interviews are ongoing for a Program Manager position.

## **Report of the NJ Department of Labor and Workforce Development (NJDLWD) – Director Howard Black:**

Director Black reported the following:

- The FFY2017 Federal Annual Monitoring and Evaluation (FAME) audit process by Federal OSHA Region 2 is scheduled for the week of January 29, 2018.
- The PEOSH Enforcement unit is in the fifth year of its Five-Year Strategic Plan (2014-2018). Targeted facilities in the strategic plan are public works departments, water and sewer authorities, fire departments, transportation authorities and nursing homes. PEOSH also adopted Federal OSHA National Emphasis Programs for trenching, highway work zone safety, temporary workers, heat stress, and amputations which are incorporated into PEOSH inspections when applicable. PEOSH is in the process of planning the new Five-Year Strategic Plan that will begin FFY2019.
- PEOSH delayed adoption of the OSHA Rule entitled “Improve Tracking of Workplace Injuries and Illnesses” as a result of federal OSHA’s recent proposal to amend this recordkeeping regulation. Therefore, public employers under PEOSH jurisdiction are not required to submit electronically their injury and illness data on the Federal OSHA Injury Tracking Application (ITA) at this time. It is PEOSH’s intent to adopt the recordkeeping rule once the proposed changes become a final rule and Federal OSHA’s ITA system has been determined to be compatible with the PEOSH injury and illness recording requirements.
- Staff from the NJDLWD PEOSH attended the recent fall 2017 OSHSPA meeting in Jackson, WY on October 31-November 1, 2017. PEOSH staff received approval to attend the Winter 2018 OSHSPA meeting in Charleston, SC on February 27-28, 2018.
- The total number of safety enforcement compliance officers is now at six due to a recent resignation and a retirement. PEOSH is in the process of requesting approval from the new administration for the hiring of replacements of the vacant safety enforcement compliance officer positions. Three positions will be requested for PEOSH enforcement and one for PEOSH On-Site Consultation and Training.

Cecilia Leto asked if nursing homes will drop off the new Five-Year Strategic Plan.

- Director Black responded that they will continue to be a targeted facility. The Five-Year Strategic Plan is based on BLS data and according to the data, nursing homes have one of the highest injury areas.

Cecilia Leto also asked if NJDLWD works in conjunction with NJDOH on the Workplace Violence and Safe Patient Handling regulations.

- Director Black responded that we do when a complaint is filed that is within our jurisdiction. He further noted that if we go into a nursing home and find something meets the elements of a general duty clause violation, we will follow it to its full extent.

Robert Weissman asked why the NJ Department of Transportation (NJDOT) is not included in the Five-Year Strategic Plan.

- Tom Lipski responded that is one of the areas they will address in the new five-year plan since NJDOT does not fall under the current identified NAICS for targeted sites.

## **Report of the NJDLWD's PEOSH Enforcement – Chief Tom Lipski:**

Chief Lipski reported the following:

- NJDLWD's PEOSH enforcement activity report was distributed and covered the period of October 1 through December 31, 2017. During that period, 56 general inspections with 50 Orders to Comply (OTCs) issued, nine complaint investigations with six OTCs issued, nine accident investigations with six OTCs issued and 47 follow-up inspections were conducted. There were two public employee fatalities reported. Both were determined non-occupational safety and health related. There were three new discrimination cases received and seven open penalty cases. There were no penalties collected during this time period. The most frequently cited standard was 1904.29(a) Recordkeeping.

Gina Mayer-Costa asked what triggers an accident investigation.

- Tom Lipski responded that accident investigations can be triggered by referrals from other agencies, media referrals that come up, or by the mandatory 24-hour reporting requirements for in-patient hospitalization.

## **Report of the NJDLWD's Public Employees Occupational Safety Consultation and Training – Assistant Chief Krishna Jagannathan:**

Assistant Chief Jagannathan reported the following:

- NJDLWD's Public Employees Occupational Safety Consultation and Training activity report was distributed and covered the period of October 1 through December 31, 2017. During that period, 17 safety consultation visits were made. The most frequently cited standard was 1910.22(a)(3) Walking/working surfaces free of hazards.
- Under PEOSH Safety Training, 31 courses were presented to 291 participants. The most requested training included: Forklift Safety; Confined Space Awareness; Slips/Trips/Falls, Situational Awareness, and PEOSH Firefighter Update.
- Staff attended/presented training which included:
  - Presented three 2017 PEOSH Fire Service Update to a total of 42 firefighters.
  - Attended a Traffic Incident Manager Train-the-Trainer class – three staff attended and completed the training.
  - Attended an 8-Hour Hazardous Waste Operations and Emergency Response (HAZWOPER) annual refresher class – one staff attended and completed the training.
  - Staffed a PEOSH booth at the NJ League of Municipalities in November.

### **Presentation:**

Karen Kessler from the NJDLWD provided a presentation on Worker Safety Statistics.

**New Business:** No new business.

**Old Business:** No old business.

**Open Discussion:** No open discussion.

***The next PEOSH Advisory Board meeting will be held at 10:00 a.m. on Friday, April 20, 2018 at NJDLWD, One John Fitch Plaza, 13<sup>th</sup> Floor Auditorium, Trenton, New Jersey.***

Assistant Commissioner Monahan adjourned the meeting at 11:33 a.m.