

CHAPTER Lab 600 SAFETY PROGRAMS AND JOINT LOSS MANAGEMENT COMMITTEES

Readopt with amendment Lab 601, effective 12/29/2020 (Document #13149) cited and to read as follows:

PART Lab 601 DEFINITIONS

Lab 601.01 “Administrative units” means those entities regulated pursuant to RSA 194-C.

Lab 601.02 “Chartered public schools” means those entities regulated pursuant to RSA 194-B.

Lab 601.03 "Employer representative" as used in RSA 281-A: 64, III means any individual who serves as the management member of the joint loss management committee and who has the authority delegated by the employer to use his/her judgment in the interest of the employer to take the following actions:

- (a) Hire;
- (b) Transfer;
- (c) Suspend;
- (d) Lay off;
- (e) Recall;
- (f) Promote;
- (g) Discharge;
- (h) Assign;
- (i) Reward;
- (j) Discipline;
- (k) Direct them; or
- (l) Adjust grievances or effectively to recommend such actions.

Lab 601.04 “School districts” means those entities regulated pursuant to RSA 194.

Readopt Lab 602.01, effective 07/08/2013 (Document #10379) cited and to read as follows:

PART Lab 602 SAFETY PROGRAMS

Lab 602.01 Program Requirements. As set forth in RSA 281-A: 64, II, the written safety program shall include the following:

- (a) The components required by Lab 603.03(g);

(b) The process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program;

(c) Provision(s) for the commitment of adequate resources solely for safety;

(d) Provision(s) for medical services, emergency response, first aid, and accident reporting and investigation;

(e) Provision(s) for review of the current written safety program by all employees;

(f) Provision(s) for review and update of the written safety program by an employer representative at least every 2 years; and

(g) Provision(s) for a signature of the above employer representative which shall include the date the program was reviewed and updated.

Readopt Lab 602.02, effective 12/29/20 (Document #13149), to read as follows:

Lab 602.02 Filing Procedures. Under the authority of RSA 281-A: 64, II, an employer with 15 or more employees shall file a single submission of the summary of the above written safety program with the commissioner of labor by completing and submitting a Safety Summary Form WCSSF 10/07/15. See Appendix II.

PART Lab 603 JOINT LOSS MANAGEMENT COMMITTEES

Readopt Lab 603.01, effective 12/29/2020 (Document 13149), to read as follows:

Lab 603.01 Purpose. To carry out the purpose of RSA 281-A: 64, a joint loss management committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A joint loss management committee assists the employer and makes recommendations for change.

Readopt with amendment Lab 603.02, effective 07/08/13 (Document #10379), to read as follows:

Lab 603.02 Establishment of Joint Loss Management Committee.

(a) Pursuant to RSA 281-A: 64, III, all employers of 15 or more employees shall establish a working joint loss management committee composed of equal numbers of employer and employee representatives or more employee representatives as follows:

(1) The size and composition of the joint loss management committee shall be determined as follows:

a. Employers with 15 to 20 employees shall have a minimum of 2 members; and

b. Employers with more than 20 employees shall have a minimum of 4 members;

(2) Employee representatives shall be selected by the employees;

(3) Where the employees are represented by a single, exclusive bargaining representative, the bargaining representative shall designate the members;

(4) Where the employees are represented by more than one labor organization or where some but not all of the employees are represented by a labor organization, each bargaining unit of represented employees and any residual group of employees not represented shall have a

proportionate number of committee members based on the number of employees in each bargaining unit or group; and

(5) Committee members shall be representative of the major work activities and geographical area of the employer.

~~(b) An employer's auxiliary, mobile or satellite location, may be combined into a single, centralized joint loss management committee when an employer owned/leased facility is physically and/or geographically separated from the employer's primary facility such as would be found in construction operations, trucking, branch or field offices, sales operations or highly mobile activities, which shall represent the safety and health concerns of all locations.~~

~~(c) A joint loss management committee shall be located at each of the employer's primary places of employment at a major economic unit at a single geographic location comprised of a building or group of buildings and all surrounding facilities. The location shall have both employer and employee representatives present, control of a portion of a budget, and the ability to take action on the majority of the recommendations made by the joint loss management committee.~~

~~(b)~~ ~~(d)~~ Committee members shall be trained in workplace hazard identification and accident/incident investigation adequate to carry out the committee's responsibilities.

Readopt Lab 603.03, effective 12/29/20 (Document #13149), to read as follows:

Lab 603.03 Duties and Responsibilities of Joint Loss Management Committee. To carry out the intent of RSA 281-A: 64, the joint loss management committee shall:

- (a) Meet at least quarterly to carry out its duties and responsibilities;
- (b) Keep minutes of meetings which shall be made available for review of all employees;
- (c) Elect a chairperson, alternating between employee and employer representatives;
- (d) Develop and disseminate to all employees a committee policy statement;
- (e) Maintain current and disseminate to all employees the clearly established goals and objectives of the committee;
- (f) Review workplace accident and injury data to help establish the committee's goals and objectives;
- (g) Establish specific safety programs which include, but are not be limited to, the following:
 - (1) Designation, by name and title, of a person who shall be knowledgeable of site-specific safety requirements and be accountable for their implementation and adherence;
 - (2) Provisions for health and safety inspections at least annually for hazard identification purposes;
 - (3) Performance of audits at least annually regarding the inspection findings;
 - (4) Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;

(5) Where the employer is a public school district, administrative unit, or chartered public school, a prevention and amendment plan pursuant to (6) below for the purpose of reducing violent acts and injuries caused by students against employees, volunteers and visitors;

(6) The student violence prevention and management plan shall include the following information:

a. Training, education, investigation, and prevention protocols for all staff in the area of reducing violent acts and injuries caused by students; and

b. Designation, by name and title, of a person who shall coordinate the training, investigation, and adherence of the implemented program to reduce violent acts and injuries caused by students;

(h) Assist with the identification of necessary safety and health training for employees; and

(i) Assist with the identification and definition of temporary, alternate tasks.

Readopt Lab 603.04, effective 7/8/13 (Document #10379), to read as follows:

Lab 603.04 Duties and Responsibilities of the Employer. To carry out the intent of RSA 281-A: 64, the employer shall:

(a) Respond in writing to recommendations made by the committee, or make a verbal response that is recorded in the committee's official minutes;

(b) Pay any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, at his/her regular rate of pay for all time spent on such activities; and

(c) Provide for the required and necessary safety and health training for employees, at no cost and without any loss of pay so they can perform their work in a safe and healthy manner and environment.

APPENDIX

RULE	STATUTE
Lab 601	RSA 281-A: 64
Lab 601.02	RSA 281-A: 64, II & III
Lab 601.03	RSA 281-A: 64
Lab 601.04	RSA 281-A: 64, II & III
Lab 602	RSA 281-A: 64
Lab 602.01	RSA 281-A: 64, II
Lab 602.02	RSA 281-A: 64, II
Lab 603	RSA 281-A: 64
Lab 603.01	RSA 281-A: 64
Lab 603.02	RSA 281-A: 64, III
Lab 603.03	RSA 281-A: 64, III
Lab 603.04	RSA 281-A: 64, III