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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EXTREME TEMPERATURE  
WORKER PROTECTION ACT

Introduced By: Senators DiPalma, F. Lombardi, Miller, Ciccone, and Sosnowski

Date Introduced: March 22, 2024

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR RELATIONS"  
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 5.2

4 EXTREME TEMPERATURE WORKER PROTECTION ACT

5 **28-5.2-1. Title.**

6 The act shall be known and may be cited as the "Extreme Temperature Worker Protection  
7 Act."

8 **28-5.2-2. Purpose.**

9 (a) This chapter applies to employers in industries where employees are regularly exposed  
10 to extreme hot or cold working environments in indoor and outdoor settings, including, but not  
11 limited to, agriculture, construction, landscaping, warehouse, manufacturing, mail and package  
12 delivery, utilities, oil and gas operations, airport service workers, and food service workers. This  
13 chapter is supplemental to all related federal and industry specific standards. When the  
14 requirements under this chapter offer greater protection than related federal or industry-specific  
15 standards, an employer shall comply with the requirements of this chapter.

16 (b) Workers who are exposed to extreme heat or cold or work in extreme temperature  
17 environments may be at risk of heat or cold stress. Exposure to extreme heat can result in  
18 occupational illnesses, injuries and death, including heat stroke, heat exhaustion, heat cramps, or

1 heat rashes. Exposure to extreme cold can result in occupational illness, injuries and death,  
2 including hypothermia, frostbite, or trench foot. Each year, thousands of workers become sick from  
3 occupational heat and cold exposure, and too many of those illnesses result in fatalities. Employees  
4 new to working in the heat are most vulnerable. Nearly three (3) out of four (4) workers who die  
5 from heat-related causes die in their first week on the job.

6 (c) Under the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. § 651,  
7 employers are responsible for providing workplaces free of known safety and health hazards. This  
8 includes protecting workers from temperature-related hazards. Employers must evaluate the  
9 temperature and all contributing factors to heat and cold stress, including metabolic workloads,  
10 radiant and conductive heat sources, humidity, air movement, and wearing of protective equipment.  
11 Employers must then ensure a safe workplace by implementing a plan to reduce exposure to  
12 hazardous temperatures through providing paid rest breaks, adequate shade or warmth, adequate  
13 drinking water, training for supervisors and staff, and other key elements to protect workers.

#### 14 **28-5.2-3. Definitions.**

15 As used in this chapter, the following words and phrases shall have the following meanings  
16 unless another meaning is clearly intended by the context.

17 (1) "Acclimatization" means the temporary physiological adaptation of the body to work  
18 in hot environments that occurs gradually. During an acclimatization period, a person should be  
19 exposed to no more than twenty percent (20%) of the usual duration of work in the hot environment  
20 on day one and no more than a twenty percent (20%) increase each day. Most people acclimatize  
21 within seven (7) to fourteen (14) workdays.

22 (2) "Administrative control" means a method to limit exposure to a hazard by adjustment  
23 of work procedures, practices, or schedules. Examples of administrative controls that may be  
24 effective at minimizing the risk of heat or cold illness in a particular work area include, but are not  
25 limited to: acclimatizing employees, rotating employees, scheduling work earlier or later in the day,  
26 organizing work location and tasks at certain times of the day to avoid direct sunlight, using  
27 work/rest schedules, reducing work intensity or speed, reducing work hours, and changing required  
28 work clothing.

29 (3) "Cold illness" means a serious medical condition resulting from the body's inability to  
30 cope with cold temperatures, and includes, but is not limited to, trench foot, frostbite, hypothermia,  
31 and chilblains.

32 (4) "Cool-down area" means an indoor or outdoor area that is blocked from direct sunlight  
33 and shielded from other high radiant heat sources and is either open to the air or provided with  
34 ventilation or cooling. One indicator that blockage is sufficient is when objects do not cast a shadow

1 in the area of blocked sunlight. A cool-down area does not include a location where:

2 (i) Environmental risk factors defeat the purpose of allowing the body to cool; or

3 (ii) Employees are exposed to unsafe or unhealthy conditions; or

4 (iii) Employees are deterred or discouraged from accessing or using the cool-down area.

5 (5) "Drinking water" means fresh, pure, cool (less than seventy-five degrees (75°)

6 Fahrenheit) potable water, provided free of charge to employees. The term includes electrolyte-

7 replenishing beverages that do not contain caffeine.

8 (6) "Employee" means any person providing labor or services within the scope of this

9 chapter for remuneration for a private entity or business within the state, without regard to an

10 individual's immigration status, and shall include, but not be limited to, private and public sector

11 workers, part-time workers, independent contractors, day laborers, farmworkers, and other

12 temporary and seasonal workers. The term shall also include individuals working for staffing

13 agencies, contractors or subcontractors on behalf of the employer at any individual worksite, as

14 well as any individual delivering goods or transporting people at, to or from the worksite on behalf

15 of the employer, regardless of whether delivery or transport is conducted by an individual or entity

16 that would otherwise be deemed an employer under this chapter.

17 (7) "Employer" means any individual, partnership, association, corporation, limited

18 liability company, business trust, legal representative, public entity, or any organized group acting

19 as employer within the scope of this standard.

20 (8) "Engineering control" means the use of substitution, isolation, ventilation, and

21 equipment modification to reduce exposure to heat illness related workplace hazards and job tasks.

22 Examples of engineering controls that may be effective at minimizing the risk of heat illness in a

23 particular work area include, but are not limited to, isolation of hot processes, isolation of

24 employees from sources of heat, air conditioning, cooling fans, cooling mist fans, evaporative

25 coolers (also called "swamp coolers"), natural ventilation where the outdoor temperature and heat

26 index is lower than the indoor temperature and heat index, local exhaust ventilation, shielding from

27 a radiant heat source, and insulation of hot surfaces.

28 (9) "Heat illness" means a serious medical condition resulting from the body's inability to

29 cope with a particular heat load, and includes, but is not limited to, heat cramps, heat exhaustion,

30 heat syncope, and heat stroke.

31 (10) "Indoor worksite" means any enclosed work vehicles and any space between a floor

32 and a ceiling bound on all sides by walls except where noted in the definition of "outdoor worksite"

33 below. A wall includes any door, window, retractable divider, garage door, or other physical barrier

34 that is temporary or permanent, whether open or closed.

1           (11) "Indoor temperature stress threshold" means a heat stress threshold of eighty degrees  
2 (80°) Fahrenheit or more and a cold threshold of sixty degrees (60°) Fahrenheit or below. In cases  
3 of offices, schools, or other indoor temperature regulated environments, the indoor temperature  
4 shall fall between sixty-eight point five degrees (68.5°) and seventy-five degrees (75°) Fahrenheit  
5 when the outdoor temperature is below fifty-five degrees (55°) Fahrenheit, and when the outdoor  
6 temperature is above eighty-five degrees (85°) Fahrenheit, the indoor temperature shall fall  
7 between seventy-five degrees (75°) and eighty point five degrees (80.5°) Fahrenheit.

8           (12) "Outdoor worksite" means all employers with employees performing work in an  
9 outdoor environment. The term includes locations such as sheds, tents, greenhouses, or other  
10 structures where work activities are conducted inside, but the temperature is not managed by  
11 devices that reduce heat or cold exposure and aid in heating or cooling, such as air conditioning  
12 systems or heaters. Having only fans and humidifiers may still qualify worksites as outdoor. The  
13 term outdoor worksite does not apply to incidental exposure, which exists when an employee is  
14 required to perform a work activity outdoors for not longer than fifteen (15) minutes in any sixty  
15 (60) minute period.

16           (13) "Outdoor temperature stress threshold" means a heat stress threshold of eighty degrees  
17 (80°) Fahrenheit or more, and a cold threshold of sixty degrees (60°) Fahrenheit or below .

18           (14) "Personal protective equipment" or "PPE" means the protective gear, uniforms, and  
19 clothing, to withstand temperatures at or exceeding the stress thresholds. Where feasible  
20 engineering controls and administrative controls are not sufficient to reduce and maintain the  
21 temperature and heat index to below eighty-seven degrees (87°) Fahrenheit when employees are  
22 present or the temperature to below eighty-two degrees (82°) Fahrenheit where employees wear  
23 clothing that restricts heat removal or work in high radiant heat areas, personal heat protective  
24 equipment shall be used to minimize the risk of heat illness, except to the extent that the employer  
25 demonstrates that use of such equipment is infeasible.

26           (15) "Preventative cool-down rest" means a rest taken in a cool-down area to prevent  
27 overheating.

28           (16) "Temperature" means the temperature measured by a globe thermometer, which is a  
29 type of apparent temperature used to estimate the effect of temperature, humidity, wind speed (wind  
30 chill), and visible and infrared radiation (usually sunlight) on humans. The globe thermometer may  
31 not be shielded from direct exposure to radiant heat while the globe temperature is being measured.

32           (17) "Union representative" means a recognized or certified collective bargaining agent  
33 representing a group of employees, as defined in this section.

34           (18) "Heat wave" means any day in which the predicted high temperature for the day will

1 be at least ten degrees (10°) Fahrenheit higher than the average high daily temperature in the  
2 preceding five (5) days.

3 (19) "Cold wave" means any day in which there is a rapid fall in temperature within a  
4 twenty-four (24) hour period requiring substantially increased protection to agriculture, industry,  
5 commerce and social activities.

6 **28-5.2-4. Temperature protection standards – Heat-stress specific standards.**

7 (a) Heat-stress specific standards. The employer shall fulfill the following requirements  
8 when employees are in an outdoor or indoor worksite and experiencing conditions at or exceeding  
9 a heat stress threshold of eighty or more degrees (80°) Fahrenheit:

10 (1) The employer shall develop a written program to mitigate heat-related illnesses and  
11 injuries experienced by employees.

12 (i) The written program shall identify and incorporate work processes and external factors  
13 that increase the likelihood of heat-related illness, including, but not limited to, increased metabolic  
14 workloads, radiant and conductive heat sources, increased humidity, decreased air movement; and  
15 wearing of protective equipment.

16 (ii) Every employer shall provide and display a thermometer for employee use at all  
17 workplaces to monitor the temperature indoors, outdoors and in vehicles.

18 (iii) Employers shall identify and implement engineering controls, and administrative  
19 controls before relying on personal protective equipment.

20 (iv) The written program shall include information on education and training.

21 (v) The written program shall include emergency response plans, procedures and relevant  
22 worksite contacts in case of an emergency. The written program shall be updated at least annually,  
23 when major work conditions change, and when a heat-related incident occurs.

24 (b) Access to hydration. The employer shall provide access to drinking water located as  
25 close as practical to where employees are working. If drinking water is not plumbed or otherwise  
26 continuously supplied, it shall be provided in sufficient quantity at the beginning of the shift, a  
27 minimum of one quart of drinking water per hour. Frequent drinking of water shall be encouraged.

28 (c) Rest. The employer shall require and encourage preventative cool down breaks of no  
29 less than ten (10) minutes, in addition to the time needed to access the cool-down area, as needed  
30 in the shade for outdoor work or a cooler indoor breakroom for indoor workers.

31 (1) Employees who take a preventative cool-down rest shall be monitored and asked about  
32 symptoms of heat illness.

33 (2) Employees shall be encouraged to remain in the cool down area and not be ordered  
34 back to work until any signs or symptoms of heat illness have been abated.

1           (3) The preventative cool-down rest period required by this section may be provided  
2 concurrently with any other meal or rest period required by policy, rule or law if the timing of the  
3 preventative cool-down rest period coincides with the otherwise required meal or rest period.  
4 Except when such a rest period coincides with the existing unpaid meal break, the preventative  
5 cool-down rest period is a work assignment and shall be compensated accordingly.

6           (d) Medical monitoring. Employers shall closely monitor temperatures using a globe  
7 thermometer and implement their workplace heat stress plan when temperatures exceed eighty  
8 degrees (80°) Fahrenheit. If an employee exhibits signs or reports symptoms of heat illness, the  
9 employer shall immediately provide appropriate first aid or emergency response.

10           (e) Access to shade.

11           (1) Shade shall be made available when the temperature exceeds eighty degrees (80°)  
12 Fahrenheit and shall be as close to the worksite as possible while employees are present. The  
13 amount of shade present shall be at least enough to accommodate the number of employees on  
14 recovery or rest periods with at least four square feet (4ft<sup>2</sup>) per resting employee.

15           (2) Where feasible, work must be performed in the shade.

16           (3) When the temperature does not exceed eighty degrees (80°) Fahrenheit, the employer  
17 shall provide timely access to shade upon an employee's request.

18           (4) Access to shade shall not exceed the temperature of the worksite and, for example, may  
19 extend to a hot motor vehicle.

20           (f) Personal protective equipment. Employers shall provide the necessary protective  
21 equipment at no cost to the employee.

22           (g) Vehicle standards. Employees who spend more than sixty (60) minutes in vehicles each  
23 day or whose worksite is considered a vehicle shall have adequate air conditioning available inside  
24 such vehicle maintained according to the manufacturer's instructions to keep temperatures below  
25 eighty degrees (80°) Fahrenheit.

26           (h) Worker acclimatization. Employers shall provide time for acclimatization of new and  
27 returning employees.

28           (1) New employees and existing employees newly assigned to heat work or absent from  
29 heat work for more than seven (7) days shall only work twenty percent (20%) of their normal  
30 duration on their first day and gradually increase work duration over a two (2) week period.

31           (2) All employees shall be closely observed by a supervisor or designee during a heat wave.  
32 A heat wave will automatically trigger provisions under high heat procedures.

33           (i) High heat procedures. The employer shall implement high heat procedures when the  
34 temperature equals or exceeds ninety degrees (90 °) Fahrenheit or when a heat wave is experienced.

1           (1) The employer shall ensure that the employee takes a minimum ten (10) minute net  
2 preventative cool-down rest period every two (2) hours.

3           (2) The preventative cool-down rest period required by this section may be provided  
4 concurrently with any other meal or rest period required by state law if the timing of the  
5 preventative cool-down rest period coincides with a required meal or rest period. Except when such  
6 a rest period coincides with the existing unpaid meal break, the preventative cool-down rest period  
7 is a work assignment and shall be compensated accordingly.

8           (3) When the temperature equals or exceeds one hundred degrees (100°) Fahrenheit, the  
9 employer shall ensure that the employee takes a minimum ten (10) minute net preventative cool-  
10 down rest period every hour. The preventative cool-down rest period required by this section may  
11 be provided concurrently with any other meal or rest period required by state law if the timing of  
12 the preventative cool-down rest period coincides with a required meal or rest period. Except when  
13 such a rest period coincides with the existing unpaid meal break, the preventative cool-down rest  
14 period is a work assignment and shall be compensated accordingly.

15           (j) Communication.

16           (1) Ensuring that effective communication by voice, observation, or electronic means is  
17 maintained in order that employees at the work site can contact a supervisor when necessary. An  
18 electronic device, such as a cell phone or text messaging device, may be used for this purpose only  
19 if reception in the area is reliable.

20           (2) Observing employees for alertness and signs or symptoms of heat illness. The employer  
21 shall ensure effective employee observation/monitoring by implementing one or more of the  
22 following: Supervisor or designee observation of twenty (20) or fewer employees, or mandatory  
23 buddy system, or regular communication with sole employee such as by radio or cellular phone, or  
24 other equally effective means.

25           (k) Emergency response procedures.

26           (1) Employers shall implement effective emergency response procedures for when a  
27 worker experiences any stage of heat related illness, including communication protocols and clear  
28 and precise directions to work locations for transient, field and solo workers.

29           (2) Employers shall identify and communicate the appropriate onsite emergency contact  
30 for workers and supervisors and ways to communicate with offsite supervisors and emergency  
31 medical personnel.

32           (3) If a supervisor observes, or any employee reports, any signs or symptoms of heat illness  
33 in an employee, the supervisor shall take immediate action commensurate with the severity of the  
34 illness.

1           (4) Employers shall contact emergency medical services and, if necessary, transport  
2 employees to a place where they can be reached by an emergency medical provider.

3           (5) Workers who need first aid onsite and emergency response/removal from work due to  
4 heat-related illness shall be considered on-duty with full compensation.

5           **28-5.2-5. Temperature protection standards -- Cold-stress specific standards.**

6           (a) The employer shall fulfill the following requirements when employees are in an outdoor  
7 or indoor worksite and experiencing conditions at or exceeding the cold threshold of sixty degrees  
8 (60°) Fahrenheit or below.

9           (1) The employer shall develop a written program to mitigate cold-related illnesses and  
10 injuries experienced by employees.

11           ( 2 ) The written program shall identify and incorporate work processes and external factors  
12 that increase the likelihood of cold-related illness, Worker training on cold-related illness  
13 prevention, recognition, and reporting, ensured access to warm liquids, warm areas for use during  
14 break periods, and wind-protective clothing based on wind speed, and prompt medical attention to  
15 workers who show signs of cold-related illness or injury, schedules designed to reduce the time  
16 workers spend in the cold environment and reduce the physical demands during cold exposure, and  
17 medical monitoring to ensure worker health and protection.

18           (3) Every employer shall provide and display a thermometer for employee use at all  
19 workplaces to monitor the temperature indoors, outdoors and in vehicles.

20           (4) Employers shall identify and implement engineering controls, and administrative  
21 controls before relying on personal protective equipment.

22           (5) The written program shall include information on education and training. The written  
23 program shall include emergency response plans, procedures and relevant worksite contacts in case  
24 of an emergency. The written program shall be updated at least annually, when major work  
25 conditions change, and when a cold-related incident occurs.

26           (b) Access to hydration. The employer shall provide access to drinking water located as  
27 close as practical to where employees are working. If drinking water is not plumbed or otherwise  
28 continuously supplied, it shall be provided in sufficient quantity at the beginning of the shift, a  
29 minimum of one quart of drinking water per hour per employee. Warm beverages shall be provided  
30 for every employee accessible in warm-up areas. Frequent drinking of water and warm beverages  
31 shall be encouraged.

32           (c) Rest. The employer shall require and encourage preventative breaks at the duration of  
33 not less than ten (10) minutes, in addition to the time needed to access the warm-up area, in a warm  
34 area as needed for outdoor work or a warm breakroom for indoor workers.



1           (1) Employees who take a preventative warm-up rest shall be monitored and asked about  
2 symptoms of cold stress.

3           (2) Employees shall be encouraged to remain in the warm-up area and not be ordered back  
4 to work until any signs or symptoms of cold stress have been abated.

5           (3) The preventative warm-up rest period required by this section may be provided  
6 concurrently with any other meal or rest period required by policy, rule or law if the timing of the  
7 preventative warm-up rest period coincides with the otherwise required meal or rest period. Except  
8 when such a rest period coincides with the existing unpaid meal break, the preventative warm-up  
9 rest period is a work assignment and shall be compensated accordingly.

10          (d) Medical monitoring. Employers shall closely monitor temperatures and implement their  
11 workplace cold stress plan when temperatures are below sixty degrees (60°) Fahrenheit. If an  
12 employee exhibits signs or reports symptoms of cold stress, the employer shall immediately provide  
13 appropriate first aid or emergency response.

14          (e) Access to warmth.

15          (1) A warm location for breaks shall be made available when the temperature is below sixty  
16 degrees (60°) Fahrenheit. When the outdoor temperature in the work area is below sixty degrees  
17 (60°) Fahrenheit, the employer shall have and maintain one or more areas with adequate warmth at  
18 all times while employees are present. The size of the warm location shall be at least enough to  
19 accommodate the number of employees on recovery or rest periods, with at least four square feet  
20 (4ft<sup>2</sup>)available per resting employee. The rest location shall be located as close as practicable to the  
21 areas where employees are working.

22          (2) When the outdoor temperature in the work area is not below sixty degrees (60°)  
23 Fahrenheit, employers shall provide warmth pursuant to this section or provide timely access upon  
24 an employee's request. Employees shall be allowed and encouraged to take a preventative warm-  
25 up rest break when they feel the need to do so to protect themselves from cold stress.

26          (f) Personal protective equipment. Employers shall provide the necessary protective  
27 equipment at no cost to the employee and take into account risk factors for worker heat load due to  
28 wearing PPE, even in cold conditions.

29          (g) Vehicle standards. Employees who spend more than sixty (60) minutes in vehicles each  
30 day or whose worksite is considered a vehicle shall have adequate heating available inside the  
31 vehicle maintained according to the manufacturer's instructions to keep temperatures above sixty  
32 degrees (60°) Fahrenheit.

33          (h) Cold wave procedures.

34          (1) The employer shall ensure that the employee takes a minimum ten (10) minute net

1 preventative warm-up rest period every two (2) hours. The preventative warm-up rest period  
2 required by this section may be provided concurrently with any other meal or rest period required  
3 by state law if the timing of the preventative warm-up rest period coincides with a required meal  
4 or rest period. Except when such a rest period coincides with the existing unpaid meal break, the  
5 preventative warm-up rest period is a work assignment and shall be compensated accordingly.

6 (2) The employer shall ensure that if an employee's skin, clothing or PPE gets wet, they are  
7 immediately removed from the work area and taken to a warm-up area to have the wet clothing or  
8 PPE removed and are not to return to work until dry or the wet items have been replaced.

9 (3) The employer shall provide appropriate PPE to ensure ears, face, hands and feet are  
10 protected in cold waves.

11 **28-5.2-6. Communication.**

12 (a) The employer shall be responsible for:

13 (1) Ensuring that effective communication by voice, observation, or electronic means is  
14 maintained in order that employees at the work site can contact a supervisor when necessary. An  
15 electronic device, such as a cell phone or text messaging device, may be used for this purpose only  
16 if reception in the area is reliable; and

17 (2) Observing employees for alertness and signs or symptoms of cold illness. The employer  
18 shall ensure effective employee observation/monitoring by implementing one or more of the  
19 following:

20 (i) Supervisor or designee observation of twenty (20) or fewer employees; or

21 (ii) Mandatory buddy system; or

22 (iii) Regular communication with sole employee such as by radio or cellular phone, or other  
23 equally effective means.

24 **28-5.2-7. Emergency response procedures.**

25 (a) Employers shall implement effective emergency response procedures for when a  
26 worker experiences any stage of cold related illness, including communication protocols and clear  
27 and precise directions to work locations for transient, field, and solo workers.

28 (b) Employers shall identify and communicate the appropriate onsite emergency contact  
29 for workers and supervisors and ways to communicate with offsite supervisors and emergency  
30 medical personnel.

31 (c) If a supervisor observes, or any employee reports, any signs or symptoms of cold illness  
32 in an employee, the supervisor shall take immediate action commensurate with the severity of the  
33 illness.

34 (d) Employers shall contact emergency medical services and, if necessary, transport

1 employees to a place where they can be reached by an emergency medical provider.

2 (e) Workers who need first aid onsite and emergency response/removal from work due to  
3 cold-related illness shall be considered on-duty with full compensation.

4 **28-5.2-8. Education and training.**

5 (a) The employer shall provide a free, effective training program to employees during  
6 working hours that includes at a minimum:

7 (1) The risk factors, signs and symptoms of cold stress and heat illness and the necessary  
8 medical responses;

9 (2) Indoor and outdoor temperature stress thresholds;

10 (3) The employer's procedures to monitor temperature and humidity conditions and how  
11 workers can participate in the monitoring process, and procedures and appropriate contact for when  
12 conditions change;

13 (4) The appropriate engineering and administrative control measures instituted to address  
14 temperature and humidity according to the standard, including the importance of rest breaks;

15 (5) The purpose, importance, and methods of acclimatization pursuant to the employer's  
16 procedures;

17 (6) Examples of personal protective equipment such as hats, gloves, winter coats, cooling  
18 rag, ice vests, and sunscreen;

19 (7) The importance and description of the additional physiological burden caused by  
20 personal protective equipment and how the employer will factor this additional burden into worker  
21 heat load, and methods for properly donning and doffing PPE;

22 (8) Medical monitoring provisions and employee access to records;

23 (9) Emergency response procedures including communication procedures and appropriate  
24 contacts for workers and supervisors during each step of the response;

25 (10) The procedures and importance of workers and supervisors reporting acute and  
26 delayed onset symptoms, illness to employers; and

27 (11) That this reporting is free from retaliation.

28 (b) The training set forth in this section shall be administered by the employer at the time  
29 of hiring and no less than annually for employees and supervisors. Training material that is  
30 appropriate in content and vocabulary to the educational level, literacy, and language of employees  
31 shall be used. The training shall provide an opportunity for interactive questions and answers with  
32 a person who is knowledgeable in the subject matter as it relates to the workplace that the training  
33 addresses and who is also knowledgeable in the employer's procedures.

34 (c) Refresher training and retraining should be provided as needed. To increase

1 effectiveness, repeat training as needed and hold short tailgate meetings before each workday.

2 Circumstances where retraining is required include, but are not limited to, situations where:

3 (1) In advance of when the hot or cold season occurs or is anticipated to occur; and

4 (2) When there is a heat or cold wave.

5 (d) Copies of the employer's written program shall be made available to employees,

6 government officials and employee representatives within one business day upon request at no cost.

7 **28-5.2-9. Recordkeeping.**

8 (a) Every employer shall collect and maintain data and records as required on all  
9 temperature-related illnesses and fatalities which occur at an outdoor or indoor worksite.

10 (b) Employers shall additionally make such reports available to any employee, government  
11 office, or employee representative within one business day upon request at no cost.

12 (c) Every employer shall be subject to fines for not adhering to the mandatory  
13 recordkeeping and written program protocols.

14 **28-5.2-10. Anti-retaliation.**

15 (a) Employers shall develop a clear system and appropriate points of contact for workers  
16 to report hazardous working conditions and heat- and cold-related injury and illness.

17 (b) Employers shall be considered in violation of this section where any employee is  
18 retaliated or discriminated against for raising concerns and reporting incidents, illness and injury.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LABOR AND LABOR RELATIONS -- EXTREME TEMPERATURE  
WORKER PROTECTION ACT

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- 1           This act would direct employers to take certain actions to protect their employees who are
- 2 exposed to extreme hot and cold temperatures.
- 3           This act would take effect upon passage.

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LC004966  
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