

6690

I N   S E N A T E

February 27, 2014

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to the definition of building service employee

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 1 and 4 of section 230 of the labor law,  
2     subdivision 1 as amended by chapter 542 of the laws of 1984, and subdi-  
3     vision 4 as amended by chapter 678 of the laws of 2007, are amended to  
4     read as follows:

5     1. "Building service employee" or "employee" means any person perform-  
6     ing work in connection with the care or maintenance of an existing  
7     building, or in connection with the transportation of office furniture  
8     or equipment to or from such building, or in connection with the trans-  
9     portation and delivery of fossil fuel to such building, for a contractor  
10    under a contract with a public agency OR UNDER A CONTRACT WITH A CUSTO-  
11    DIAN-ENGINEER, OR HIS/HER REPRESENTATIVE, EMPLOYED BY THE NEW YORK CITY  
12    DEPARTMENT OF EDUCATION which is in excess of one thousand five hundred  
13    dollars and the principal purpose of which is to furnish services  
14    through the use of building service employees.

15    "Building service employee" or "employee" includes, but is not limit-  
16    ed, to, watchman, guard, doorman, building cleaner, porter, handyman,  
17    janitor, gardener, groundskeeper, stationary fireman, elevator operator  
18    and starter, window cleaner, and occupations relating to the collection  
19    of garbage or refuse, and to the transportation of office furniture and  
20    equipment, and to the transportation and delivery of fossil fuel but  
21    does not include clerical, sales, professional, technician and related  
22    occupations. "BUILDING SERVICE EMPLOYEE" ALSO INCLUDES, BUT IS NOT  
23    LIMITED TO CUSTODIAN EMPLOYEES EMPLOYED AS ENGINEERS, STATIONARY ENGI-  
24    NEERS, FIREMEN, FIREMEN-CLEANERS, BOILER ROOM MAINTENANCE MEN, CUSTODI-  
25    AN-HELPERS OR COAL PASSERS AT THE NEW YORK CITY DEPARTMENT OF EDUCATION.

26    "Building service employee" or "employee" also does not include any  
27    employee to whom the provisions of articles eight and eight-a of this  
28    chapter are applicable.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1     4. "Contractor" means any employer who employs employees to perform  
2 building service work under a contract with a public agency and shall  
3 include any of the contractor's subcontractors. CONTRACTOR SHALL  
4 INCLUDE BUT IS NOT LIMITED TO CUSTODIAN-ENGINEERS EMPLOYED BY THE NEW  
5 YORK CITY DEPARTMENT OF EDUCATION.  
6     S 2. This act shall take effect immediately.