

5281

2013-2014 Regular Sessions

I N   S E N A T E

May 15, 2013

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to limiting the work week of direct care workers

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

1     Section 1. Section 13.19 of the mental hygiene law is amended by  
2     adding a new subdivision (e) to read as follows:  
3     (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW NO PROVIDER OPERATING A  
4     FACILITY LICENSED, OPERATED, OR CERTIFIED BY THE OFFICE SHALL REQUIRE A  
5     DIRECT CARE WORKER TO WORK MORE THAN SIXTY HOURS IN A SEVEN DAY WORK  
6     WEEK EXCEPT IN CASES OF EXTRAORDINARY EMERGENCY INCLUDING, BUT NOT  
7     LIMITED TO, FIRE, FLOOD, OR DANGER TO LIFE OR PROPERTY. FOR THE PURPOSES  
8     OF THIS SUBDIVISION, "DIRECT CARE WORKER" SHALL MEAN AN EMPLOYEE WHOSE  
9     PRIMARY RESPONSIBILITY IS THE DAILY CARE OF, SUPERVISION OF, AND INTER-  
10    ACTION WITH RESIDENTS OF A RESIDENTIAL FACILITY LICENSED, OPERATED, OR  
11    CERTIFIED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES.  
12    S 2. This act shall take effect on the ninetieth day after it shall  
13    have become a law; provided, however, that effective immediately, the  
14    addition, amendment and/or repeal of any rule or regulation necessary  
15    for the implementation of this act on its effective date are authorized  
16    and directed to be made and completed on or before such effective date.

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

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