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I N   A S S E M B L Y

April 12, 2016

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Introduced by M. of A. ZEBROWSKI -- read once and referred to the  
Committee on Labor

AN ACT to amend the workers' compensation law, in relation to workplace  
safety and loss prevention programs

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

1     Section 1. Subdivisions 1 and 2 of section 134 of the workers' compen-  
2     sation law, as amended by chapter 6 of the laws of 2007 and subdivision  
3     1 as further amended by section 104 of part A of chapter 62 of the laws  
4     of 2011, are amended to read as follows:  
5     1. The commissioner of labor, in consultation with the superintendent  
6     of financial services and the chair of the board shall develop a compul-  
7     sory workplace safety and loss prevention program for all employers  
8     whose most recent annual payroll is in excess of [eight] ONE MILLION TWO  
9     hundred thousand dollars and whose most recent experience rating exceeds  
10    the level of 1.2. THE COMMISSIONER OF LABOR SHALL ADJUST THE ANNUAL  
11    PAYROLL AMOUNT IN THIS SUBDIVISION ANNUALLY BEGINNING ON THE FIRST OF  
12    MARCH NEXT SUCCEEDING THE DATE ON WHICH THE CHAPTER OF THE LAWS OF TWO  
13    THOUSAND SIXTEEN THAT AMENDED THIS SUBDIVISION SHALL HAVE BECOME LAW.  
14    SUCH ADJUSTMENT SHALL BE BASED ON THE PERCENTAGE INCREASE IN THE WAGES  
15    AND SALARIES FOR PRIVATE INDUSTRY WORKERS FOR THE PRECEDING CALENDAR  
16    YEAR AS STATED IN THE EMPLOYMENT COST INDEX REPORTED BY THE UNITED  
17    STATES BUREAU OF LABOR STATISTICS. The commissioner of labor shall  
18    promulgate rules and regulations for the implementation of safety, drug  
19    and alcohol prevention, and return to work incentive programs.  
20    2. The commissioner of labor shall provide written notification to  
21    employers whose most recent annual payroll is in excess of [eight] ONE  
22    MILLION TWO hundred thousand dollars and whose most recent experience  
23    rating exceeds the level of 1.2 that they are required to undergo a  
24    workplace safety and loss prevention consultation and written evalu-  
25    ation. Copies of the written notification shall be provided to the  
26    department of labor and the employer's insurer. The employer must  
27    arrange for the consultation and evaluation within thirty days after  
28    receiving the notification and must within ten days thereafter notify

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

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1 its insurer and the department of labor in writing of the means by which  
2 the evaluation is to be accomplished. The employer must provide its  
3 insurer and the department of labor with a copy of the evaluation within  
4 thirty days after receiving it from the safety and loss consultant. Any  
5 remedial action recommended in the evaluation must be implemented by the  
6 employer within a reasonable period of time, but not to exceed six  
7 months after the employer receives the evaluation. The insurer, within  
8 sixty days after the expiration of such six month period, shall conduct  
9 an inspection to ascertain whether the recommended remedial action has  
10 been implemented, and the insurer shall within forty-five days thereaft-  
11 er provide to the employer and the department of labor a copy of its  
12 inspection report.

13 S 2. This act shall take effect on the first of January next succeed-  
14 ing the date on which it shall have become a law.