

STATE OF NEW YORK

7734

IN SENATE

February 12, 2020

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

AN ACT to amend the public service law, in relation to the payment of wages to workers; and to repeal a chapter of the laws of 2019, amending the labor law relating to ensuring that utility employees receive the prevailing wage

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. A chapter of the laws of 2019, amending the labor law
2 relating to ensuring that utility employees receive the prevailing wage,
3 as proposed in legislative bills numbers S. 6265-A and A. 8083-A, is
4 REPEALED.

5 § 2. The public service law is amended by adding a new section 42-a to
6 read as follows:

7 § 42-a. Payment of wages to workers; certain cases. 1. The legislature
8 hereby finds that the protection of critical infrastructure is furthered
9 by the enhanced training, experience and expertise of workers in all
10 positions at such facilities. Given that the state of New York, due to
11 its representation as a beacon of liberty, diversity and equality, and
12 its history of being the target of terrorist attacks, will always be a
13 target for those who wish to do this country and this state harm, New
14 York has a fundamental obligation to harden its infrastructure against
15 any such threats or activity. In hardening the infrastructure there is
16 no greater asset than the human capital that serve at the front lines of
17 the effort to thwart terrorist attacks. The electric and steam generat-
18 ing facilities in the state, when active, provide a target that requires
19 the hardening not only of the physical infrastructure but the human
20 infrastructure as well. Turnover in such positions, for the service
21 workers who provide cleaning, security and maintenance services at such
22 active generating facilities will decrease if the workers are paid
23 increased wages. The reduction of turnover will allow for the more
24 developed and trained workforce to continue to provide the measure of
25 safety and security the state requires. Given that important state
26 interest, it is therefore found and declared that the workers at such

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

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1 facilities shall be trained to ensure their ability to meet the security
2 needs of the facilities that they work upon. It is further found and
3 declared that the reduction of turnover may be accomplished by the
4 payment of rates of pay in line with those prevailing in such trade or
5 occupation, as otherwise defined.

6 2. The wages paid, and benefits provided, to building service employ-
7 ees who are employed at a work location that is an active major electric
8 or steam generating facility, or at a transmission or distribution
9 facility considered critical infrastructure as determined by the divi-
10 sion of homeland security and emergency services in consultation with
11 the department, shall be subject to article nine of the labor law. For
12 purposes of this section "major electric generating facility" means an
13 electric generating facility with a nameplate generating capacity of
14 twenty-five thousand kilowatts or more, including interconnection elec-
15 tric transmission lines and fuel gas transmission lines, and "major
16 steam generating facility" means a steam generating facility with a
17 generating capacity to be determined by the department.

18 § 3. This act shall take effect on the same date and in the same
19 manner as a chapter of the laws of 2019, amending the labor law relating
20 to ensuring that utility employees receive the prevailing wage, as
21 proposed in legislative bills numbers S. 6265-A and A. 8083-A, takes
22 effect, provided, however, that section two of this act shall take
23 effect on the one hundred eightieth day after it shall have become a
24 law.