

STATE OF NEW YORK

8617

IN SENATE

June 22, 2020

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

AN ACT requiring public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease

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

- 1 Section 1. Definitions. For the purposes of this act:
- 2 1. "Personal protective equipment" shall mean all equipment worn to
- 3 minimize exposure to hazards, including gloves, masks, face shields,
- 4 foot and eye protection, protective hearing devices, respirators, hard
- 5 hats, and disposable gowns and aprons.
- 6 2. "Public employer" or "employer" shall mean the state of New York, a
- 7 county, city, town, village or any other political subdivision or civil
- 8 division of the state, a public authority, commission or public benefit
- 9 corporation, or any other public corporation, agency, instrumentality or
- 10 unit of government which exercises governmental power under the laws of
- 11 this state.
- 12 3. "Contractor" shall mean an individual performing services as party
- 13 to a contract awarded by the state of New York or any other public
- 14 employer defined in subdivision two of this section.
- 15 4. "Essential" shall refer to a designation made that a public employ-
- 16 ee or contractor is required to be physically present at a work site to
- 17 perform his or her job.
- 18 5. "Non-essential" shall refer to a designation made that a public
- 19 employee or contractor is not required to be physically present at a
- 20 work site to perform his or her job.
- 21 6. "Communicable disease" shall mean an illness caused by an infec-
- 22 tious agent or its toxins that occurs through the direct or indirect
- 23 transmission of the infectious agent or its products from an infected
- 24 individual or via an animal, vector or the inanimate environment to a
- 25 susceptible animal or human host.
- 26 § 2. Each public employer in the state of New York shall prepare a
- 27 plan for the continuation of operations in the event that the governor

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

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1 declares a public health emergency involving a communicable disease.
2 Such plans shall be completed within ninety days of the effective date
3 of this act and shall follow the provisions for review and publication
4 as prescribed in section four of this act.

5 § 3. The operations plan required by this act shall include, but not
6 be limited to:

7 1. A list and description of positions and titles considered essential
8 in the event of a state-ordered reduction of in-person workforce, and a
9 justification of such consideration for each position and title
10 included.

11 2. A specific description of protocols the employer will follow in
12 order to enable all non-essential employees and contractors to telecom-
13 mute including, but not limited to, the procurement and distribution of
14 office laptops, desktops and cell phones, as necessary, the downloading
15 and installation of any needed software or data, and the transferring of
16 office phone lines to work or personal cell phones.

17 3. A description of how the employer will, to the extent possible,
18 stagger work shifts of essential employees and contractors in order to
19 reduce overcrowding on public transportation systems and at worksites.

20 4. An estimated number of additional parking permits that will be
21 required for essential employees and contractors and a detailed plan for
22 how the employer will procure such permits from state or local govern-
23 ments.

24 5. A description of how the employer will procure the appropriate
25 personal protective equipment for essential employees and contractors,
26 based upon the various tasks and needs of such employees and contractors
27 in a quantity sufficient to provide at least two pieces of each type of
28 personal protective equipment to each essential employee and contractor
29 during any given work shift over at least six months. Such description
30 shall also include a plan for storage of such equipment to prevent
31 degradation and permit immediate access in the event of an emergency
32 declaration.

33 6. A protocol for actions to be taken in the event an employee or
34 contractor is exposed to a known case of the communicable disease that
35 is the subject of the public health emergency, exhibits symptoms of such
36 disease, and/or tests positive for such disease. Such protocols shall be
37 designed to accomplish immediate testing, treatment, and isolation or
38 quarantine of sick or exposed employees and contractors. Such protocol
39 shall also detail actions to be taken to immediately and thoroughly
40 disinfect the work area of any employee or contractor known or suspected
41 to be infected with the communicable disease as well as any common area
42 surface and shared equipment such employee or contractor may have
43 touched.

44 7. A protocol for documenting precise hours and work locations,
45 including off-site visits, for essential employees and contractors. Such
46 protocol shall be designed to aid in tracking of the disease and to
47 identify the population of exposed employees and contractors in order to
48 facilitate the provision of any benefits which may be available to
49 certain employees and contractors on that basis.

50 8. A protocol for how the public employer will work with such employ-
51 er's locality to identify sites for emergency housing for essential
52 employees in order to further contain the spread of the communicable
53 disease that is the subject of the declared emergency.

54 § 4. Once drafted, each public employer shall present the plan
55 described in this act to the duly recognized or certified representative
56 of the employer's employees, who shall then be granted an opportunity to

1 edit such plan as the representative sees fit. A copy of the final
2 version of such plan shall then be submitted to both houses of the
3 legislature and published in a clear and conspicuous manner on the
4 employer's website.

5 § 5. Within ninety days of the effective date of this act, the depart-
6 ment of labor shall create a telephone hotline and dedicated webpage
7 through which any individual may report alleged or believed violations
8 of any provision of the plans described in this act for investigation by
9 the department. Such webpage and hotline shall allow individuals to
10 report alleged or believed violations anonymously.

11 § 6. Nothing in this act shall be deemed to impede, infringe, diminish
12 or impair the rights of a public employee or employer under any law,
13 rule, regulation or collectively negotiated agreement, or the rights and
14 benefits which accrue to employees through collective bargaining agree-
15 ments, or otherwise diminish the integrity of the existing collective
16 bargaining relationship, or to prohibit any personnel action which
17 otherwise would have been taken regardless of any request to use, or
18 utilization of, any leave provided by this act.

19 § 7. This act shall take effect immediately.