

STATE OF NEW YORK

1396

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed 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 twenty-one 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

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

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

16 § 2. This act shall take effect on the first of January next succeed-
17 ing the date on which it shall have become a law.