S T A T E O F N E W Y O R K

3841

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

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

AN ACT to amend the labor law, in relation to safety training for certain employees

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

Section 1. The labor law is amended by adding a new section 202-l to read as follows:

S 202-L. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) CONSTRUCTION SAFETY AND HEALTH COURSE. 1. EVERY CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND/OR REPAIR OF ANY CONTRACT WHERE THE TOTAL COST OF ALL WORK TO BE PERFORMED UNDER THE CONTRACT IS TWO HUNDRED FIFTY THOUSAND DOLLARS OR MORE, SHALL CONTAIN A PROVISION REQUIRING THAT ALL LABORERS, WORKERS, AND MECHANICS EMPLOYED IN THE PERFORMANCE OF THE CONTRACT ON THE WORK SITE, EITHER BY THE CONTRACTOR, SUB-CONTRACTOR OR OTHER PERSON DOING OR CONTRACTING TO DO THE WHOLE OR A PART OF THE WORK CONTEMPLATED BY THE CONTRACT, SHALL BE CERTIFIED PRIOR TO PERFORMING ANY WORK ON THE PROJECT AS HAVING SUCCESSFULLY COMPLETED A COURSE IN CONSTRUCTION SAFETY AND HEALTH APPROVED BY THE UNITED STATES DEPARTMENT OF LABOR'S OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION THAT IS AT LEAST TEN HOURS IN DURATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING A CERTIFICATION TO THE DEPARTMENT PRIOR TO THE COMMENCEMENT OF ANY WORK ON THE PROJECT.

2. IF ANY PERSON PERFORMS ANY WORK ON A CONTRACT WITHOUT FIRST HAVING COMPLETED HIS OR HER TEN HOURS AS REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THEN THE CONTRACTOR SHALL BE LIABLE FOR A FINE, PAYABLE TO THE DEPARTMENT, IN THE AMOUNT OF FIVE THOUSAND DOLLARS FOR ITS FIRST OFFENSE. THE AMOUNT OF FINE FOR EACH SUBSEQUENT OFFENSE SHALL BE DOUBLE THE AMOUNT OF THE FINE ASSESSED AGAINST THE CONTRACTOR FOR THE IMMEDIATELY PRIOR OFFENSE.

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

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3. IF MORE THAN ONE PERSON WORKING ON A CONTRACT DOES NOT HAVE HIS OR HER CERTIFICATION, EACH PERSON WORKING WITHOUT CERTIFICATION SHALL BE CONSIDERED A DISTINCT AND SUBSEQUENT OFFENSE OF THE CONTRACTOR.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.