

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

1846--A

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to providing that contracts for commercial or industrial projects or multiple dwelling projects shall contain a provision that laborers, workers, and mechanics shall be certified as having completed a safety course

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

1 Section 1. Section 220-h of the labor law, as added by chapter 282 of
2 the laws of 2007, is amended to read as follows:
3 S 220-h. Occupational Safety and Health Administration (OSHA)
4 construction safety and health course. 1. The advertised specifications
5 for every contract for the construction, reconstruction, maintenance
6 and/or repair of public work to which the state or a municipality is a
7 party, where the total cost of all work to be performed under the
8 contract is at least two hundred fifty thousand dollars, shall contain a
9 provision requiring that all laborers, workers, and mechanics, HEREIN-
10 AFTER REFERRED TO AS CONSTRUCTION WORKERS, employed in the performance
11 of the contract on the public work site, either by the contractor, sub-
12 contractor or other person doing or contracting to do the whole or a
13 part of the work contemplated by the contract, shall be certified prior
14 to performing any work on the project as having successfully completed a
15 course in construction safety and health approved by the United States
16 department of labor's occupational safety and health administration,
17 HEREINAFTER REFERRED TO AS THE SAFETY COURSE, that is at least OF ten
18 hours in duration.
19 2. (A) ANY CONSTRUCTION WORKER WHO PERFORMS WORK ON THE NEW
20 CONSTRUCTION OF ANY BUILDING, WHERE THE TOTAL COST OF SUCH WORK
21 PERFORMED UNDER THE CONTRACT IS AT LEAST FIVE HUNDRED THOUSAND DOLLARS,

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

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1 SHALL BE CERTIFIED PRIOR TO PERFORMING ANY WORK ON THE PROJECT AS HAVING
2 SUCCESSFULLY COMPLETED A SAFETY COURSE THAT IS AT LEAST OF TEN HOURS IN
3 DURATION.

4 (B) ANY CONSTRUCTION WORKER WHO PERFORMS WORK ON THE RECONSTRUCTION,
5 MAINTENANCE, AND/OR REPAIR OF ANY BUILDING, WHERE THE TOTAL VALUE OF THE
6 WORK TO BE PERFORMED UNDER THE CONTRACT IS AT LEAST TWO HUNDRED FIFTY
7 THOUSAND DOLLARS SHALL BE CERTIFIED WITHIN NINETY DAYS OF COMMENCEMENT
8 OF EMPLOYMENT, OR WITHIN FORTY-FIVE DAYS OF THE COMMENCEMENT OF WORK ON
9 THE PROJECT, WHICHEVER IS SOONER, AS HAVING SUCCESSFULLY COMPLETED A
10 SAFETY COURSE THAT IS AT LEAST OF TEN HOURS IN DURATION.

11 3. IF THE COMMISSIONER FINDS, AFTER AN INVESTIGATION, THAT A CONTRAC-
12 TOR OR SUB-CONTRACTOR HAS VIOLATED THIS SECTION, THE COMMISSIONER MAY,
13 BY AN ORDER WHICH SHALL DESCRIBE PARTICULARLY THE NATURE OF THE
14 VIOLATION, ASSESS THE CONTRACTOR OR SUB-CONTRACTOR A CIVIL PENALTY OF NO
15 MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE, AND NO MORE THAN
16 TWO THOUSAND DOLLARS FOR THE SECOND OFFENSE IF SUCH SECOND OFFENSE
17 OCCURS WITHIN ONE YEAR OF THE IMPOSITION OF THE FINE OF THE FIRST
18 OFFENSE.

19 S 2. The department of labor may promulgate rules and regulations
20 necessary for the implementation and enforcement of the provisions of
21 section one of this act prior to the effective date of this chapter.

22 S 3. This act shall take effect one year after it shall have become a
23 law.