

5117

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,
and when printed to be committed to the Committee on Labor

AN ACT to amend the general business law, in relation to requiring sani-
tation workers to receive certain training

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

1 Section 1. The general business law is amended by adding a new article
2 6-E to read as follows:

3 ARTICLE 6-E

4 TRAINING FOR SANITATION WORKERS

5 SECTION 69-AA. DEFINITIONS.

6 69-BB. TRAINING FOR SANITATION WORKERS.

7 S 69-AA. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT
8 REQUIRES OTHERWISE:

9 1. "DEPARTMENT" MEANS THE DEPARTMENT OF STATE.

10 2. "EMPLOYEE" MEANS A PERSON EMPLOYED DIRECTLY BY OR THROUGH ANY
11 MUNICIPAL OR PRIVATE ENTITY TO PROVIDE SOLID, HAZARDOUS OR MEDICAL WASTE
12 COLLECTION, RECYCLING OR DISPOSAL SERVICES.

13 3. "EMPLOYER" MEANS ANY INDIVIDUAL, PERSON, CORPORATION, DEPARTMENT,
14 BOARD, BUREAU, AGENCY, COMMISSION, DIVISION, OFFICE, COUNCIL OR COMMIT-
15 TEE OF A MUNICIPALITY, OR OTHER BUSINESS ENTITY, WHICH EMPLOYS OR SEEKS
16 TO EMPLOY AN EMPLOYEE TO PROVIDE SOLID, HAZARDOUS OR MEDICAL WASTE
17 COLLECTION, RECYCLING OR DISPOSAL SERVICES.

18 S 69-BB. TRAINING FOR SANITATION WORKERS. 1. THE EMPLOYERS OF SANITA-
19 TION WORKERS ARE RESPONSIBLE FOR ENSURING ALL EMPLOYEES, INCLUDING
20 SUPERVISORS, MANAGERS, CONTRACT LABORERS, PART-TIME AND SEASONAL EMPLOY-
21 EES, ARE PROPERLY TRAINED FOR THEIR ASSIGNED JOBS, TASKS AND USE OF
22 RELATED EQUIPMENT. CONTRACTORS WHO MAY BE ENGAGED TO OPERATE OR MAIN-
23 TAIN THE EMPLOYER'S EQUIPMENT SHALL BE ADVISED OF THE UNIQUE HAZARDS
24 RELATED TO THE EQUIPMENT WHICH MAY AFFECT THE ACTIVITIES IN WHICH THE
25 CONTRACTOR'S EMPLOYEES SHALL ENGAGE.

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

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1 2. TRAINING SHALL BE PROVIDED PRIOR TO INITIAL ASSIGNMENT OF AN
2 EMPLOYEE TO A JOB OR TASK. ALL EMPLOYEES SHALL FURTHER BE REQUIRED TO
3 HAVE REFRESHER TRAINING, WHICH SHALL BE CONDUCTED ANNUALLY, FOR THE
4 PURPOSE OF MAINTAINING THE REQUIRED LEVEL OF COMPETENCE. RETRAINING
5 SHALL BE PROVIDED FOR EMPLOYEES WHENEVER THERE IS A CHANGE IN THEIR JOB
6 ASSIGNMENTS, OR A CHANGE IN EQUIPMENT THAT PRESENTS A NEW HAZARD. ADDI-
7 TIONAL RETRAINING SHALL BE PROVIDED WHENEVER A PERIODIC INSPECTION BY
8 THE DEPARTMENT REVEALS, OR WHENEVER THE EMPLOYER HAS REASON TO BELIEVE
9 THAT THERE ARE EMPLOYEE DEVIATIONS FROM PROCEDURES OR INADEQUACIES IN
10 THE EMPLOYEE'S KNOWLEDGE OF PROCEDURES.

11 3. EMPLOYERS SHALL REFER EMPLOYEES TO, AND HAVE READILY AVAILABLE, THE
12 MANUFACTURER'S, INSTALLER'S OR MODIFIER'S INSTRUCTIONS TO ENSURE THAT
13 CORRECT OPERATING AND MAINTENANCE PROCEDURES AND WORK PRACTICES ARE
14 UNDERSTOOD AND FOLLOWED.

15 4. AN EMPLOYER SHALL REQUIRE THAT TRAINING IS PROVIDED EITHER BY A
16 CONTRACT LABORER'S PARENT EMPLOYER OR BY THE EMPLOYER FOR EACH JOB OR
17 TASK THAT IS PERFORMED.

18 5. THE EMPLOYER SHALL MAINTAIN TRAINING RECORDS TO INCLUDE THE DATE OR
19 DATES OF TRAINING AND THE TYPE OF TRAINING RECEIVED. RECORDS SHALL BE
20 MAINTAINED AS REQUIRED BY REGULATIONS TO BE PROMULGATED BY THE DEPART-
21 MENT. CONTRACTORS AND EMPLOYERS OF CONTRACT LABORERS SHALL PROVIDE THE
22 EMPLOYER WITH APPROPRIATE TRAINING RECORDS UPON DEMAND.

23 6. TRAINING SHALL BE TAILORED FOR INDIVIDUAL OPERATIONS AND THE TYPE
24 OF EQUIPMENT UTILIZED INCLUDING DETAILED, EQUIPMENT SPECIFIC, TRAINING
25 FOR DRIVERS, EQUIPMENT OPERATORS AND LOADERS, AS WELL AS MAINTENANCE
26 PERSONNEL AND SUPERVISORS. TRAINING SHALL INCLUDE A PRACTICAL DEMON-
27 STRATION OF EQUIPMENT OPERATION, THE KNOWLEDGE AND SKILLS NEEDED BY THE
28 EMPLOYEE TO OPERATE SUCH EQUIPMENT AND THE CONSEQUENCES FOR FAILURE TO
29 OPERATE THE EQUIPMENT PROPERLY, AS APPROPRIATELY RELATED TO THE REQUIRE-
30 MENTS OF THE EMPLOYEE'S JOB DUTIES.

31 7. TRAINING SHALL INCLUDE AT A MINIMUM:

32 (A) THE REQUIRED REGULATORY TRAINING AS OUTLINED BY THE FEDERAL AND
33 STATE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, THE FEDERAL DEPART-
34 MENT OF TRANSPORTATION, THE PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU
35 WITHIN THE STATE DEPARTMENT OF LABOR AND ANY OTHER APPLICABLE REGULATORY
36 AGENCIES; AND

37 (B) THE OPERATIONAL INSTRUCTION ON EACH SPECIFIC TYPE OF EQUIPMENT
38 USED BY THE EMPLOYEE.

39 S 2. This act shall take effect on the one hundred eightieth day after
40 it shall have become a law; provided, however, that effective immediate-
41 ly, the addition, amendment and/or repeal of any rule or regulation
42 necessary for the implementation of this act on its effective date is
43 authorized and directed to be made and completed on or before such
44 effective date.