

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

5117--A

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 -- commit-
tee discharged, bill amended, ordered reprinted as amended and recom-
mitted to said committee

AN ACT to amend the labor law, in relation to requiring sanitation work-
ers 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 labor law is amended by adding a new article 23-C to
2 read as follows:

3 ARTICLE 23-C

4 TRAINING FOR SANITATION WORKERS

5 SECTION 832. DEFINITIONS.

6 833. TRAINING FOR SANITATION WORKERS.

7 S 832. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT
8 REQUIRES OTHERWISE:

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

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 833. TRAINING FOR SANITATION WORKERS. 1. THE EMPLOYERS OF SANITATION
19 WORKERS ARE RESPONSIBLE FOR ENSURING ALL EMPLOYEES, INCLUDING SUPERVI-
20 SORS, MANAGERS, CONTRACT LABORERS, PART-TIME AND SEASONAL EMPLOYEES, ARE
21 PROPERLY TRAINED FOR THEIR ASSIGNED JOBS, TASKS AND USE OF RELATED
22 EQUIPMENT. CONTRACTORS WHO MAY BE ENGAGED TO OPERATE OR MAINTAIN THE
23 EMPLOYER'S EQUIPMENT SHALL BE ADVISED OF THE UNIQUE HAZARDS RELATED TO

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

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1 THE EQUIPMENT WHICH MAY AFFECT THE ACTIVITIES IN WHICH THE CONTRACTOR'S
2 EMPLOYEES SHALL ENGAGE.

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

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

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

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

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

33 7. TRAINING SHALL INCLUDE AT A MINIMUM:

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

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

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