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

5193

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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

AN ACT to amend the labor law and the state finance law, in relation to the New York state worker protection board

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

Section 1. Paragraph b of subdivision 4 of section 27-a of the labor law, as amended by chapter 433 of the laws of 2007, is amended to read as follows:

b. Notwithstanding the provisions of paragraph a of this subdivision, the commissioner, in consultation with the state [occupational safety and health hazard abatement] WORKER PROTECTION board, shall promulgate rules and regulations recommended to him OR HER by such board which establish standards whenever such board finds (i) that no federal standard exists for the particular condition being addressed and that such a standard is necessary for the protection of the public employees at risk, or (ii) a federal standard exists, but conditions in public workplaces in this state require a different standard, and such state standard will be at least as effective in providing safe and healthful places of employment as the federal standard.

S 2. The subdivision heading and paragraphs a, b and e of subdivision 15 of section 27-a of the labor law, the subdivision heading and paragraphs a and e as added by chapter 729 of the laws of 1980, paragraph b as amended by chapter 55 of the laws of 1992 and such subdivision as renumbered by chapter 706 of the laws of 1990, are amended to read as follows:

New York state [occupational safety and health hazard abatement] WORKER PROTECTION board; creation and procedure. a. The New York state [occupational safety and health hazard abatement] WORKER PROTECTION board is hereby created to have and exercise the powers, duties and prerogatives provided by the provisions of this subdivision.

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

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b. The membership of the board shall consist of [five] NINE persons. THREE MEMBERS SHALL BE appointed by the governor of whom one shall be upon the recommendation of THE NEW YORK STATE FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS, TWO MEMBERS SHALL BE APPOINTED BY the temporary president of the senate, one upon the recommendation of THE NEW YORK STATE FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS, TWO MEMBERS SHALL BE APPOINTED BY the speaker of the assembly, [and] one upon the recommendation of THE NEW YORK STATE FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS, ONE MEMBER SHALL BE APPOINTED BY the state comptroller AND ONE MEMBER SHALL BE THE COMMISSIONER. Members shall serve at the pleasure of the governor, and the governor may replace any member in accordance with the provisions contained herein for the appointment of members.

The governor shall designate one of the members to serve as [chairman] CHAIRPERSON. The board shall act by a majority vote of its members, and a quorum to conduct business shall consist of [three] FIVE members. Any determination of the board shall be evidenced by a certification thereof executed by all the members present and voting. Each member of the board shall be entitled to designate a representative to attend meetings of the board in his OR HER place, and to vote or otherwise act on his OR HER behalf in his OR HER absence. Such representative shall not be authorized to delegate any of his OR HER duties or functions to any other person. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office.

e. The board shall meet at least four times a year with at least one meeting in each calendar quarter. The [chairman] CHAIRPERSON shall designate the days of meeting, and shall provide each member with at least three weeks written notice of the date of such meeting.

S 3. The subdivision heading of subdivision 16 of section 27-a of the labor law, as amended by chapter 886 of the laws of 1985 and such subdivision as renumbered by chapter 706 of the laws of 1990, is amended to read as follows:

New York state [occupational safety and health hazard abatement] WORKER PROTECTION board; powers and duties.

S 4. Subdivision 1 of section 885 of the labor law, as added by chapter 886 of the laws of 1985, is amended to read as follows:

1. "Board" shall mean the New York state [occupational safety and health hazard abatement] WORKER PROTECTION board created pursuant to the provisions of section twenty-seven-a of this chapter.

S 5. Subdivision 3 of section 97-c of the state finance law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

3. Moneys of the fund shall be available to the New York state [occupational safety and health hazard abatement] WORKER PROTECTION board for purposes of carrying out the provisions of article twenty-nine of the labor law and to the department of labor for worker protection activities under its jurisdiction.

S 6. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.