

7543

I N   S E N A T E

April 20, 2010

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

AN ACT to amend the labor law, in relation to the licensing by the department of labor of any entity which offers an Occupational Safety and Health Administration construction safety and health course

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

1     Section 1. This act shall be known and may be cited as the  
2     "construction safety course accountability act".  
3     S 2. Section 220-h of the labor law, as added by chapter 282 of the  
4     laws of 2007, is amended to read as follows:  
5     S 220-h. Occupational Safety and Health Administration (OSHA)  
6     construction safety and health course. 1. The advertised specifications  
7     for every contract for the construction, reconstruction, maintenance  
8     and/or repair of public work to which the state or a municipality is a  
9     party, where the total cost of all work to be performed under the  
10    contract is at least two hundred fifty thousand dollars, shall contain a  
11    provision requiring that all laborers, workers, and mechanics employed  
12    in the performance of the contract on the public work site, either by  
13    the contractor, sub-contractor or other person doing or contracting to  
14    do the whole or a part of the work contemplated by the contract, shall  
15    be certified prior to performing any work on the project as having  
16    successfully completed a course in construction safety and health  
17    approved by the United States department of labor's occupational safety  
18    and health administration that is at least ten hours in duration.  
19    2. THE DEPARTMENT SHALL LICENSE ANY ENTITY OR ORGANIZATION IN THE  
20    STATE OF NEW YORK WHICH OFFERS A COURSE TO LABORERS, WORKERS, AND  
21    MECHANICS IN CONSTRUCTION SAFETY AND HEALTH APPROVED BY THE UNITED  
22    STATES DEPARTMENT OF LABOR'S OCCUPATIONAL SAFETY AND HEALTH ADMINIS-  
23    TRATION THAT IS AT LEAST TEN HOURS IN DURATION, INCLUDING, BUT NOT  
24    LIMITED TO COURSES GIVEN IN ORDER THAT SUCH LABORERS, WORKERS AND  
25    MECHANICS MAY BE ELIGIBLE TO WORK ON CERTAIN PROJECTS PURSUANT TO SUBDI-  
26    VISION ONE OF THIS SECTION OR PURSUANT TO ANY LOCAL RULE, REGULATION OR  
27    ORDINANCE.

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

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1       3. ANY PERSON, ENTITY OR ORGANIZATION WHICH ISSUES AN OCCUPATIONAL  
2 SAFETY AND HEALTH ADMINISTRATION CONSTRUCTION AND SAFETY HEALTH COURSE  
3 CARD IN NEW YORK STATE SHALL SUBMIT A COPY TO THE DEPARTMENT, WITH THE  
4 CARDHOLDER'S NAME AND ADDRESS AND THE DATE OF ISSUANCE.

5       4. THE COMMISSIONER SHALL PROMULGATE ANY RULES OR REGULATIONS NECES-  
6 SARY FOR THE IMPLEMENTATION OF SUBDIVISIONS TWO AND THREE OF THIS  
7 SECTION.

8       S 3. This act shall take effect immediately.