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

1166

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to permitting certain minors to work as volunteers for nonprofit organizations constructing affordable housing

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

Section 1. The labor law is amended by adding a new section 132-a to read as follows:

S 132-A. MINORS AGED FOURTEEN THROUGH SEVENTEEN PERMITTED TO WORK AS VOLUNTEERS FOR NONPROFIT ORGANIZATIONS CONSTRUCTING AFFORDABLE HOUSING; PROHIBITED ACTS; MINIMUM INSURANCE REQUIREMENTS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION, MINORS WHO ARE BETWEEN THE AGES OF FOURTEEN AND SEVENTEEN SHALL BE PERMITTED TO WORK AS VOLUNTEERS FOR NONPROFIT ORGANIZATIONS ENGAGED IN THE CONSTRUCTION OF AFFORDABLE HOUSING AS DETERMINED BY THE COMMISSIONER SUBJECT TO THE FOLLOWING PROVISIONS:

A. THAT UNDER NO CIRCUMSTANCES SHALL A MINOR BE PERMITTED TO WORK IN A PROJECT INVOLVING THE CONSTRUCTION OF AFFORDABLE HOUSING THAT IS IN ANY WAY ASSOCIATED WITH A PROFIT MAKING COMMERCIAL ENTERPRISE;

B. THAT NO MINOR SHALL OPERATE, PERFORM MAINTENANCE, CLEAN, INSPECT OR WORK IN, ABOUT, OR IN CONNECTION WITH ANY POWER DRIVEN MACHINERY INVOLVED IN THE CONSTRUCTION OF AFFORDABLE HOUSING;

C. THAT NO MINOR SHALL ENGAGE IN THE CONSTRUCTION OF AFFORDABLE HOUSING WITHOUT THE SAFETY EQUIPMENT REQUIRED BY LAW;

D. THAT NO MINOR SHALL BE PERMITTED TO WORK AS A VOLUNTEER IN THE CONSTRUCTION OF AFFORDABLE HOUSING EXCEPT UNDER THE DIRECT SUPERVISION OF AN ADULT;

E. THAT NO MINOR SHALL BE EXPOSED TO HAZARDOUS WASTE PRODUCTS OR OTHER HAZARDOUS SUBSTANCES;

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

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F. THAT NO MINOR SHALL BE PERMITTED TO WORK ON ANY EXCAVATION, SCAFFOLDING OR ROOFING;

G. THAT NO MINOR SHALL BE PERMITTED TO WORK:

(1) DURING SCHOOL HOURS;

(2) BEFORE SEVEN O'CLOCK IN THE FORENOON;

(3) AFTER SEVEN O'CLOCK IN THE EVENING; EXCEPT THAT MINORS MAY WORK UNTIL NINE O'CLOCK IN THE EVENING BETWEEN MEMORIAL DAY AND LABOR DAY;

(4) FOR MORE THAN FIVE CONSECUTIVE HOURS WITHOUT A HALF-HOUR BREAK; AND

(5) FOR MORE THAN EIGHTEEN HOURS PER WEEK WHEN SCHOOL IS IN SESSION.

2. THE NONPROFIT ORGANIZATION ENGAGED IN THE CONSTRUCTION OF AFFORDABLE HOUSING SHALL SECURE LIABILITY INSURANCE TO PROVIDE COMPENSATION FOR ALL INJURIES, INCLUDING, BUT NOT LIMITED TO, OCCUPATIONAL ILLNESS, SUSTAINED BY MINORS WORKING VOLUNTARILY IN THE CONSTRUCTION OF AFFORDABLE HOUSING. THE INSURANCE REQUIRED BY THIS SECTION SHALL HAVE COVERAGE LIMITS OF AT LEAST TWO MILLION FIVE HUNDRED THOUSAND DOLLARS PER OCCURRENCE, AT LEAST TWO MILLION FIVE HUNDRED THOUSAND DOLLARS AGGREGATE PER YEAR AND TWO HUNDRED FIFTY THOUSAND DOLLARS FOR PROPERTY DAMAGE, OR SUCH HIGHER AMOUNTS AS THE SUPERINTENDENT OF INSURANCE MAY PROMULGATE FROM TIME TO TIME TO ADJUST FOR INFLATION.

S 2. This act shall take effect immediately.