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

3047

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. KOLB, O'MARA, REILICH, BACALLES, ERRIGO, GIGLIO, CORWIN -- Multi-Sponsored by -- M. of A. ALFANO, AMEDORE, BARCLAY, BARRA, BURLING, CROUCH, DUPREY, HAWLEY, P. LOPEZ, MILLER, THIELE, TOWNSEND, WALKER -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to enacting the "scaffold reform act"

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

Section 1. This act shall be known and may be cited as the "scaffold reform act".

S 2. The labor law is amended by adding a new section 241-c to read as follows:

S 241-C. COUNTIES GRANTED LOCAL OPTION. 1. COUNTIES SHALL BE GRANTED A LOCAL OPTION TO REQUIRE CONTRACTORS WORKING ON PROJECTS WITHIN THEIR RESPECTIVE JURISDICTIONS TO COMPLY WITH THE REGULATIONS AND STANDARDS SET FORTH BY THE UNITED STATES DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION AND APPLICABLE STATE REGULATIONS, INSTEAD OF THE REQUIREMENTS OF SECTIONS TWO HUNDRED FORTY, TWO HUNDRED FORTY-ONE AND TWO HUNDRED FORTY-ONE-A OF THIS ARTICLE.

2. CONTRACTORS AND EMPLOYEES IN SUCH COUNTIES THAT OPT NOT TO FOLLOW SUCH PROVISIONS OF SECTIONS TWO HUNDRED FORTY, TWO HUNDRED FORTY-ONE AND TWO HUNDRED FORTY-ONE-A OF THIS ARTICLE SHALL BE SUBJECT TO A CONTRIBUTORY NEGLIGENCE STANDARD THAT HOLD EMPLOYEES RESPONSIBLE FOR THEIR CULPABLE CONDUCT. SUCH CONDUCT SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) ANY EMPLOYEE WHO FAILS TO FOLLOW SAFETY INSTRUCTIONS OR SAFE WORK PRACTICES PROVIDED IN ACCORDANCE WITH APPROVED TRAINING COURSES, INCLUDING, BUT NOT LIMITED TO, COURSES PROVIDED BY THE UNITED STATES DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION OR BY THE DEPARTMENT;

(B) ANY EMPLOYEE WHO FAILS TO USE SAFETY DEVICES FURNISHED ON THE JOB SITE; OR

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

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(C) ANY EMPLOYEE WHO WAS INJURED WHILE IMPAIRED BY THE USE OF ALCOHOL OR DRUGS OR WHILE COMMITTING A CRIME.

3. THE COMMISSIONER SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION TO AUTHORIZE COUNTIES TO EXERCISE THIS LOCAL OPTION. THE PROCESS FOR THE IMPLEMENTATION OF SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, CONSULTATIONS WITH BUSINESSES AND LABOR, MANDATORY PUBLIC HEARINGS AND APPROVAL BY THE COUNTY GOVERNING BODY.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.