

1846

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sen. KLEIN -- 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 providing that specifications and contracts for commercial or industrial projects or multiple dwelling projects shall contain a provision that laborers, workers, and mechanics shall be certified as having completed a course in construction safety and health approved by OSHA that is at least ten hours in duration

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

1 Section 1. Section 220-h of the labor law, as added by chapter 282 of
2 the laws of 2007, is amended to read as follows:
3 S 220-h. Occupational Safety and Health Administration (OSHA)
4 construction safety and health course. 1. The advertised specifications
5 for every contract for the construction, reconstruction, maintenance
6 and/or repair of public work to which the state or a municipality is a
7 party, where the total cost of all work to be performed under the
8 contract is at least two hundred fifty thousand dollars, shall contain a
9 provision requiring that all laborers, workers, and mechanics employed
10 in the performance of the contract on the public work site, either by
11 the contractor, sub-contractor or other person doing or contracting to
12 do the whole or a part of the work contemplated by the contract, shall
13 be certified prior to performing any work on the project as having
14 successfully completed a course in construction safety and health
15 approved by the United States department of labor's occupational safety
16 and health administration that is at least ten hours in duration.
17 2. (A) THE SPECIFICATIONS FOR EVERY CONTRACT FOR NEW CONSTRUCTION OF A
18 BUILDING, WHERE THE TOTAL COST OF ALL WORK TO BE PERFORMED UNDER THE
19 CONTRACT IS AT LEAST FIVE HUNDRED THOUSAND DOLLARS, SHALL CONTAIN A
20 PROVISION REQUIRING THAT ALL LABORERS, WORKERS, AND MECHANICS EMPLOYED
21 IN THE PERFORMANCE OF THE CONTRACT ON THE WORK SITE, EITHER BY THE

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

LBD05263-01-9

1 CONTRACTOR, SUB-CONTRACTOR OR OTHER PERSON DOING OR CONTRACTING TO DO
2 THE WHOLE OR A PART OF THE WORK CONTEMPLATED BY THE CONTRACT, SHALL BE
3 CERTIFIED PRIOR TO PERFORMING ANY WORK ON THE PROJECT AS HAVING SUCCESS-
4 FULLY COMPLETED A COURSE IN CONSTRUCTION SAFETY AND HEALTH APPROVED BY
5 THE UNITED STATES DEPARTMENT OF LABOR'S OCCUPATIONAL SAFETY AND HEALTH
6 ADMINISTRATION THAT IS AT LEAST TEN HOURS IN DURATION.

7 (B) THE SPECIFICATIONS FOR EVERY CONTRACT FOR RECONSTRUCTION, MAINTENANCE AND/OR REPAIR OF A BUILDING, WHERE THE TOTAL VALUE OF THE WORK TO
8 BE PERFORMED UNDER THE CONTRACT IS AT LEAST TWO HUNDRED FIFTY THOUSAND
9 DOLLARS, SHALL CONTAIN A PROVISION REQUIRING THAT ALL LABORERS, WORKERS,
10 AND MECHANICS EMPLOYED IN THE PERFORMANCE OF THE CONTRACT ON THE WORK
11 SITE, EITHER BY THE CONTRACTOR, SUB-CONTRACTOR OR OTHER PERSON DOING OR
12 CONTRACTING TO DO THE WHOLE OR A PART OF THE WORK CONTEMPLATED BY THE
13 CONTRACT, SHALL BE CERTIFIED WITHIN NINETY DAYS OF COMMENCEMENT OF
14 EMPLOYMENT BY SUCH CONTRACTOR OR SUB-CONTRACTOR OR WITHIN FORTY-FIVE
15 DAYS OF THE COMMENCEMENT OF WORK ON THE PROJECT, WHICHEVER IS SOONER, AS
16 HAVING 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 3. IF THE COMMISSIONER FINDS, AFTER AN INVESTIGATION, THAT A CONTRAC-
20 TOR OR SUB-CONTRACTOR HAS VIOLATED ANY PROVISION OF THIS SECTION, THE
21 COMMISSIONER MAY, BY AN ORDER WHICH SHALL DESCRIBE PARTICULARLY THE
22 NATURE OF THE VIOLATION, ASSESS THE CONTRACTOR OR SUB-CONTRACTOR A CIVIL
23 PENALTY OF FIVE HUNDRED DOLLARS PER WORKDAY FOR EACH NON-COMPLIANT
24 LABORER, WORKER OR MECHANIC.

25 S 2. The department of labor may promulgate rules and regulations
26 necessary for the enforcement of the provisions of section one of this
27 act.

28 S 3. This act shall take effect one year after it shall have become a
29 law.
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