

5117--A

2009-2010 Regular Sessions

April 27, 2009

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

TRAINING FOR SANITATION WORKERS

S 833. TRAINING FOR SANITATION WORKERS. 1. THE EMPLOYERS OF SANITATION WORKERS ARE RESPONSIBLE FOR ENSURING ALL EMPLOYEES, INCLUDING SUPERVISORS, MANAGERS, CONTRACT LABORERS, PART-TIME AND SEASONAL EMPLOYEES, ARE PROPERLY TRAINED FOR THEIR ASSIGNED JOBS, TASKS AND USE OF RELATED EQUIPMENT. CONTRACTORS WHO MAY BE ENGAGED TO OPERATE OR MAINTAIN THE EMPLOYER'S EQUIPMENT SHALL BE ADVISED OF THE UNIQUE HAZARDS RELATED TO

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1 THE EQUIPMENT WHICH MAY AFFECT THE ACTIVITIES IN WHICH THE CONTRACTOR'S
2 EMPLOYEES SHALL ENGAGE.

3 2. TRAINING SHALL BE PROVIDED PRIOR TO INITIAL ASSIGNMENT OF AN
4 EMPLOYEE TO A JOB OR TASK. ALL EMPLOYEES SHALL FURTHER BE REQUIRED TO
5 HAVE REFRESHER TRAINING, WHICH SHALL BE CONDUCTED ANNUALLY, FOR THE
6 PURPOSE OF MAINTAINING THE REQUIRED LEVEL OF COMPETENCE. RETRAINING
7 SHALL BE PROVIDED FOR EMPLOYEES WHENEVER THERE IS A CHANGE IN THEIR JOB
8 ASSIGNMENTS, OR A CHANGE IN EQUIPMENT THAT PRESENTS A NEW HAZARD. ADDI-
9 TIONAL RETRAINING SHALL BE PROVIDED WHENEVER A PERIODIC INSPECTION BY
10 THE DEPARTMENT REVEALS, OR WHENEVER THE EMPLOYER HAS REASON TO BELIEVE
11 THAT THERE ARE EMPLOYEE DEVIATIONS FROM PROCEDURES OR INADEQUACIES IN
12 THE EMPLOYEE'S KNOWLEDGE OF PROCEDURES.

13 3. EMPLOYERS SHALL REFER EMPLOYEES TO, AND HAVE READILY AVAILABLE, THE
14 MANUFACTURER'S, INSTALLER'S OR MODIFIER'S INSTRUCTIONS TO ENSURE THAT
15 CORRECT OPERATING AND MAINTENANCE PROCEDURES AND WORK PRACTICES ARE
16 UNDERSTOOD AND FOLLOWED.

17 4. AN EMPLOYER SHALL REQUIRE THAT TRAINING IS PROVIDED EITHER BY A
18 CONTRACT LABORER'S PARENT EMPLOYER OR BY THE EMPLOYER FOR EACH JOB OR
19 TASK THAT IS PERFORMED.

20 5. THE EMPLOYER SHALL MAINTAIN TRAINING RECORDS TO INCLUDE THE DATE OR
21 DATES OF TRAINING AND THE TYPE OF TRAINING RECEIVED. RECORDS SHALL BE
22 MAINTAINED AS REQUIRED BY REGULATIONS TO BE PROMULGATED BY THE DEPART-
23 MENT. CONTRACTORS AND EMPLOYERS OF CONTRACT LABORERS SHALL PROVIDE THE
24 EMPLOYER WITH APPROPRIATE TRAINING RECORDS UPON DEMAND.

25 6. TRAINING SHALL BE TAILORED FOR INDIVIDUAL OPERATIONS AND THE TYPE
26 OF EQUIPMENT UTILIZED INCLUDING DETAILED, EQUIPMENT SPECIFIC, TRAINING
27 FOR DRIVERS, EQUIPMENT OPERATORS AND LOADERS, AS WELL AS MAINTENANCE
28 PERSONNEL AND SUPERVISORS. TRAINING SHALL INCLUDE A PRACTICAL DEMON-
29 STRATION OF EQUIPMENT OPERATION, THE KNOWLEDGE AND SKILLS NEEDED BY THE
30 EMPLOYEE TO OPERATE SUCH EQUIPMENT AND THE CONSEQUENCES FOR FAILURE TO
31 OPERATE THE EQUIPMENT PROPERLY, AS APPROPRIATELY RELATED TO THE REQUIRE-
32 MENTS OF THE EMPLOYEE'S JOB DUTIES.

33 7. TRAINING SHALL INCLUDE AT A MINIMUM:

34 (A) THE REQUIRED REGULATORY TRAINING AS OUTLINED BY THE FEDERAL AND
35 STATE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, THE FEDERAL DEPART-
36 MENT OF TRANSPORTATION, THE PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU
37 WITHIN THE DEPARTMENT AND ANY OTHER APPLICABLE REGULATORY AGENCIES; AND

38 (B) THE OPERATIONAL INSTRUCTION ON EACH SPECIFIC TYPE OF EQUIPMENT
39 USED BY THE EMPLOYEE.

40 S 2. This act shall take effect on the one hundred eightieth day after
41 it shall have become a law; provided, however, that effective immediate-
42 ly, the addition, amendment and/or repeal of any rule or regulation
43 necessary for the implementation of this act on its effective date is
44 authorized and directed to be made and completed on or before such
45 effective date.