

1755

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

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

AN ACT to amend the labor law and the state finance law, in relation to the New York state worker safety board

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 "worker
2 safety board act".

3 S 2. Paragraph b of subdivision 4 of section 27-a of the labor law, as
4 amended by chapter 433 of the laws of 2007, is amended to read as
5 follows:

6 b. Notwithstanding the provisions of paragraph a of this subdivision,
7 the commissioner, in consultation with the state [occupational safety
8 and health hazard abatement] WORKER SAFETY board, shall promulgate rules
9 and regulations recommended to him OR HER by such board which establish
10 standards whenever such board finds (i) that no federal standard exists
11 for the particular condition being addressed and that such a standard is
12 necessary for the protection of the public employees at risk, or (ii) a
13 federal standard exists, but conditions in public workplaces in this
14 state require a different standard, and such state standard will be at
15 least as effective in providing safe and healthful places of employment
16 as the federal standard.

17 S 3. The subdivision heading and paragraphs a, b and e of subdivision
18 15 of section 27-a of the labor law, the subdivision heading and para-
19 graphs a and e as added by chapter 729 of the laws of 1980, paragraph b
20 as amended by chapter 55 of the laws of 1992 and such subdivision as
21 renumbered by chapter 706 of the laws of 1990, are amended to read as
22 follows:

23 New York state [occupational safety and health hazard abatement] WORK-
24 ER SAFETY board; creation and procedure. a. The New York state [occupa-
25 tional safety and health hazard abatement] WORKER SAFETY board is hereby

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

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1 created to have and exercise the powers, duties and prerogatives
2 provided by the provisions of this subdivision.

3 b. The membership of the board shall consist of [five] NINE persons.
4 THREE MEMBERS SHALL BE appointed by the governor of whom one shall be
5 upon the recommendation of THE NEW YORK STATE FEDERATION OF LABOR-CON-
6 GRESS OF INDUSTRIAL ORGANIZATIONS, TWO MEMBERS SHALL BE APPOINTED BY the
7 temporary president of the senate, one upon the recommendation of THE
8 NEW YORK STATE FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS,
9 TWO MEMBERS SHALL BE APPOINTED BY the speaker of the assembly, [and] one
10 upon the recommendation of THE NEW YORK STATE FEDERATION OF LABOR-CON-
11 GRESS OF INDUSTRIAL ORGANIZATIONS, ONE MEMBER SHALL BE APPOINTED BY the
12 state comptroller AND ONE MEMBER SHALL BE THE COMMISSIONER. Members
13 shall serve at the pleasure of the governor, and the governor may
14 replace any member in accordance with the provisions contained herein
15 for the appointment of members.

16 The governor shall designate one of the members to serve as [chairman]
17 CHAIRPERSON. The board shall act by a majority vote of its members, and
18 a quorum to conduct business shall consist of [three] FIVE members. Any
19 determination of the board shall be evidenced by a certification thereof
20 executed by all the members present and voting. Each member of the board
21 shall be entitled to designate a representative to attend meetings of
22 the board in his OR HER place, and to vote or otherwise act on his OR
23 HER behalf in his OR HER absence. Such representative shall not be
24 authorized to delegate any of his OR HER duties or functions to any
25 other person. Notice of such designation shall be furnished in writing
26 to the board by the designating member. A representative shall serve at
27 the pleasure of the designating member during the member's term of
28 office.

29 e. The board shall meet at least four times a year with at least one
30 meeting in each calendar quarter. The [chairman] CHAIRPERSON shall
31 designate the days of meeting, and shall provide each member with at
32 least three weeks written notice of the date of such meeting.

33 S 4. The subdivision heading of subdivision 16 of section 27-a of the
34 labor law, as amended by chapter 886 of the laws of 1985 and such subdi-
35 vision as renumbered by chapter 706 of the laws of 1990, is amended to
36 read as follows:

37 New York state [occupational safety and health hazard abatement] WORK-
38 ER SAFETY board; powers and duties.

39 S 5. Subdivision 1 of section 885 of the labor law, as added by chap-
40 ter 886 of the laws of 1985, is amended to read as follows:

41 1. "Board" shall mean the New York state [occupational safety and
42 health hazard abatement] WORKER SAFETY board created pursuant to the
43 provisions of section twenty-seven-a of this chapter.

44 S 6. Subdivision 3 of section 97-c of the state finance law, as
45 amended by chapter 309 of the laws of 1996, is amended to read as
46 follows:

47 3. Moneys of the fund shall be available to the New York state [occu-
48 pational safety and health hazard abatement] WORKER SAFETY board for
49 purposes of carrying out the provisions of article twenty-nine of the
50 labor law and to the department of labor for worker SAFETY AND
51 protection activities under its jurisdiction.

52 S 7. This act shall take effect on the ninetieth day after it shall
53 have become a law; provided, however, that effective immediately, the
54 addition, amendment and/or repeal of any rule or regulation necessary
55 for the implementation of this act on its effective date are authorized
56 and directed to be made and completed on or before such effective date.