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

432

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GALEF, SPANO, J. RIVERA, MARKEY, SCHIMEL, JAFFEE, FINCH -- Multi-Sponsored by -- M. of A. LANCMAN, MAISEL, McDONOUGH, ROSENTHAL, TOWNS -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring sanitation workers to receive training

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 article 23-C to read as follows:

ARTICLE 23-C

TRAINING FOR SANITATION WORKERS

SECTION 832. DEFINITIONS.

833. TRAINING FOR SANITATION WORKERS.

S 832. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT REQUIRES OTHERWISE:

1. "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR.

2. "EMPLOYEE" MEANS A PERSON EMPLOYED DIRECTLY BY OR THROUGH ANY STATE MUNICIPAL OR PRIVATE ENTITY TO PROVIDE SOLID, HAZARDOUS OR MEDICAL WASTE COLLECTION, RECYCLING OR DISPOSAL SERVICES.

3. "EMPLOYER" MEANS ANY INDIVIDUAL, PERSON, CORPORATION, DEPARTMENT, BOARD, BUREAU, AGENCY, COMMISSION, DIVISION, OFFICE, COUNCIL OR COMMITTEE OF A MUNICIPALITY, OR OTHER BUSINESS ENTITY INCLUDING THE STATE, A MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE, WHICH EMPLOYS OR SEEKS TO EMPLOY AN EMPLOYEE TO PROVIDE SOLID, HAZARDOUS OR MEDICAL WASTE COLLECTION, RECYCLING OR DISPOSAL SERVICES.

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, HAZARDS OR POTENTIAL HAZARDS PRESENT AND USE OF RELATED EQUIPMENT. CONTRACTORS WHO MAY BE

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

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ENGAGED TO OPERATE OR MAINTAIN THE EMPLOYER'S EQUIPMENT SHALL BE ADVISED OF THE UNIQUE HAZARDS RELATED TO THE EQUIPMENT WHICH MAY AFFECT THE ACTIVITIES IN WHICH THE CONTRACTOR'S EMPLOYEES SHALL ENGAGE.

2. TRAINING SHALL BE PROVIDED PRIOR TO INITIAL ASSIGNMENT OF AN EMPLOYEE TO A JOB OR TASK. ALL EMPLOYEES SHALL FURTHER BE REQUIRED TO HAVE REFRESHER TRAINING, WHICH SHALL BE CONDUCTED ANNUALLY, FOR THE PURPOSE OF MAINTAINING THE REQUIRED LEVEL OF COMPETENCE. RETRAINING SHALL BE PROVIDED FOR EMPLOYEES WHENEVER THERE IS A CHANGE IN THEIR JOB ASSIGNMENTS, OR A CHANGE IN EQUIPMENT THAT PRESENT A NEW HAZARD. ADDITIONAL RETRAINING SHALL BE PROVIDED WHENEVER A PERIODIC INSPECTION BY THE DEPARTMENT REVEALS, OR WHENEVER THE EMPLOYER HAS REASON TO BELIEVE THAT THERE ARE EMPLOYEE DEVIATIONS FROM PROCEDURES OR INADEQUACIES IN THE EMPLOYEE'S KNOWLEDGE OF PROCEDURES.

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

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

5. THE EMPLOYER SHALL MAINTAIN TRAINING RECORDS TO INCLUDE THE DATE OR DATES OF TRAINING AND THE TYPE OF TRAINING RECEIVED. RECORDS SHALL BE MAINTAINED AS REQUIRED BY REGULATIONS TO BE PROMULGATED BY THE DEPARTMENT. CONTRACTORS AND EMPLOYERS OF CONTRACT LABORERS SHALL PROVIDE THE EMPLOYER WITH APPROPRIATE TRAINING RECORDS UPON DEMAND.

6. TRAINING SHALL BE TAILORED FOR INDIVIDUAL OPERATIONS, HAZARDS OR POTENTIAL HAZARDS PRESENT AND THE TYPE OF EQUIPMENT UTILIZED INCLUDING DETAILED, EQUIPMENT SPECIFIC TRAINING FOR DRIVERS, EQUIPMENT OPERATORS AND LOADERS, AS WELL AS MAINTENANCE PERSONNEL AND SUPERVISORS. TRAINING SHALL INCLUDE A PRACTICAL DEMONSTRATION OF EQUIPMENT OPERATION, THE KNOWLEDGE AND SKILLS NEEDED BY THE EMPLOYEE TO OPERATE SUCH EQUIPMENT AND THE CONSEQUENCES FOR FAILURE TO OPERATE THE EQUIPMENT PROPERLY, AS APPROPRIATELY RELATED TO THE REQUIREMENTS OF THE EMPLOYEE'S JOB DUTIES.

7. TRAINING SHALL INCLUDE AT A MINIMUM:

(A) THE REQUIRED REGULATORY TRAINING AS OUTLINED BY THE FEDERAL AND STATE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, THE FEDERAL DEPARTMENT OF TRANSPORTATION, THE PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU WITHIN THE DEPARTMENT, THE AMERICAN NATIONAL STANDARDS INSTITUTE AND ANY OTHER APPLICABLE REGULATORY AGENCIES; AND

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

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