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

8127--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

Introduced by M. of A. ORTIZ, P. RIVERA -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to limiting the work week of direct care workers

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

Section 1. Section 13.19 of the mental hygiene law is amended by adding a new subdivision (f) to read as follows:

(F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW NO PROVIDER OPERATING A FACILITY LICENSED, OPERATED, OR CERTIFIED BY THE OFFICE SHALL REQUIRE A DIRECT CARE WORKER TO WORK MORE THAN SIXTY HOURS IN A SEVEN DAY WORK WEEK EXCEPT IN CASES OF EXTRAORDINARY EMERGENCY INCLUDING, BUT NOT LIMITED TO, FIRE, FLOOD, OR DANGER TO LIFE OR PROPERTY. FOR THE PURPOSES OF THIS SUBDIVISION, "DIRECT CARE WORKER" SHALL MEAN AN EMPLOYEE WHOSE PRIMARY RESPONSIBILITY IS THE DAILY CARE OF, SUPERVISION OF, AND INTERACTION WITH RESIDENTS OF A RESIDENTIAL FACILITY LICENSED, OPERATED, OR CERTIFIED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES.

S 2. This act shall take effect on the ninetieth 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 are authorized and directed to be made and completed on or before such effective date.

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

LBD11758-02-1