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

1821

2011-2012 Regular Sessions

I N A S S E M B L Y

January 12, 2011

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

AN ACT to amend the labor law, in relation to providing that 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 safety course

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

Section 1. Section 220-h of the labor law, as added by chapter 282 of the laws of 2007, is amended to read as follows:

S 220-h. Occupational Safety and Health Administration (OSHA) construction safety and health course. 1. The advertised specifications for every contract for the construction, reconstruction, maintenance and/or repair of public work to which the state or a municipality is a party, where the total cost of all work to be performed under the contract is at least two hundred fifty thousand dollars, shall contain a provision requiring that all laborers, workers, and mechanics, HEREINAFTER REFERRED TO AS CONSTRUCTION WORKERS, employed in the performance of the contract on the public work site, either by the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract, shall be certified prior to performing any work on the project as having successfully completed a course in construction safety and health approved by the United States department of labor's occupational safety and health administration, HEREINAFTER REFERRED TO AS THE SAFETY COURSE, that is at least OF ten hours in duration.

2. (A) ANY CONSTRUCTION WORKER WHO PERFORMS WORK ON THE NEW CONSTRUCTION OF ANY BUILDING, WHERE THE TOTAL COST OF SUCH WORK PERFORMED UNDER THE CONTRACT IS AT LEAST FIVE HUNDRED THOUSAND DOLLARS, SHALL BE CERTIFIED PRIOR TO PERFORMING ANY WORK ON THE PROJECT AS HAVING

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

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SUCCESSFULLY COMPLETED A SAFETY COURSE THAT IS AT LEAST OF TEN HOURS IN DURATION.

(B) ANY CONSTRUCTION WORKER WHO PERFORMS WORK ON THE RECONSTRUCTION, MAINTENANCE, AND/OR REPAIR OF ANY BUILDING, WHERE THE TOTAL VALUE OF THE WORK TO BE PERFORMED UNDER THE CONTRACT IS AT LEAST TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE CERTIFIED WITHIN NINETY DAYS OF COMMENCEMENT OF EMPLOYMENT, OR WITHIN FORTY-FIVE DAYS OF THE COMMENCEMENT OF WORK ON THE PROJECT, WHICHEVER IS SOONER, AS HAVING SUCCESSFULLY COMPLETED A SAFETY COURSE THAT IS AT LEAST OF TEN HOURS IN DURATION.

3. IF THE COMMISSIONER FINDS, AFTER AN INVESTIGATION, THAT A CONTRACTOR OR SUB-CONTRACTOR HAS VIOLATED THIS SECTION, THE COMMISSIONER MAY, BY AN ORDER WHICH SHALL DESCRIBE PARTICULARLY THE NATURE OF THE VIOLATION, ASSESS THE CONTRACTOR OR SUB-CONTRACTOR A CIVIL PENALTY OF NO MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE, AND NO MORE THAN TWO THOUSAND DOLLARS FOR THE SECOND OFFENSE IF SUCH SECOND OFFENSE OCCURS WITHIN ONE YEAR OF THE IMPOSITION OF THE FINE OF THE FIRST OFFENSE.

S 2. The department of labor may promulgate rules and regulations necessary for the implementation and enforcement of the provisions of section one of this act prior to the effective date of this chapter.

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