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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

AN ACT to amend the labor law and the public health law, in relation to enacting the "H1N1 in the workplace prevention act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "H1N1 in the workplace prevention act."

3 S 2. The labor law is amended by adding a new section 202-1 to read as
4 follows:

5 S 202-L. POSTING OF H1N1 INFLUENZA RELATED INFORMATION. 1. FOR THE
6 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
7 MEANINGS:

8 (A) "EMPLOYEE" MEANS A PERSON WHO PERFORMS SERVICES FOR HIRE FOR AN
9 EMPLOYER, FOR AN AVERAGE OF TEN OR MORE HOURS PER WEEK, AND INCLUDES ALL
10 INDIVIDUALS EMPLOYED AT ANY SITE OWNED OR OPERATED BY AN EMPLOYER BUT
11 SHALL NOT INCLUDE AN INDEPENDENT CONTRACTOR.

12 (B) "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS TEN OR MORE
13 EMPLOYEES AT AT LEAST ONE SITE AND INCLUDES AN INDIVIDUAL, CORPORATION,
14 PARTNERSHIP, ASSOCIATION, NONPROFIT ORGANIZATION, GROUP OF PERSONS,
15 COUNTY, TOWN, CITY, SCHOOL DISTRICT, PUBLIC AUTHORITY OR OTHER GOVERN-
16 MENTAL SUBDIVISION OF ANY KIND.

17 2. EVERY EMPLOYER SHALL POST A SIGN APPROVED BY THE DEPARTMENT OF
18 HEALTH IN EVERY WORKPLACE AT THE LOCATION OR LOCATIONS WHERE NOTICES TO
19 EMPLOYEES ARE NORMALLY POSTED, TO INFORM EMPLOYEES OF SAFE WORKPLACE
20 PRACTICES FOR THE PREVENTION OF THE H1N1 OR OTHER INFLUENZA VIRUS IN
21 SUCH WORKPLACE.

22 S 3. Subdivision 1 of section 206 of the public health law is amended
23 by adding a new paragraph (t) to read as follows:

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

LBD01360-01-1

1 (T) BY RULE AND REGULATION, ESTABLISH STANDARDS NECESSARY AND APPRO-
2 PRIATE FOR THE IMPLEMENTATION OF SUBDIVISION TWO OF SECTION TWO HUNDRED
3 TWO-L OF THE LABOR LAW.
4 S 4. This act shall take effect immediately.