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

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I N A S S E M B L Y

February 4, 2014

Introduced by M. of A. ROZIC, GOTTFRIED, MOSLEY, JACOBS, COOK, ROSA, WRIGHT -- Multi-Sponsored by -- M. of A. GLICK, PERRY, RIVERA, STECK -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to the definition of building service employee

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

Section 1. Subdivisions 1 and 4 of section 230 of the labor law, subdivision 1 as amended by chapter 542 of the laws of 1984, and subdivision 4 as amended by chapter 678 of the laws of 2007, are amended to read as follows:

1. "Building service employee" or "employee" means any person performing work in connection with the care or maintenance of an existing building, or in connection with the transportation of office furniture or equipment to or from such building, or in connection with the transportation and delivery of fossil fuel to such building, for a contractor under a contract with a public agency OR UNDER A CONTRACT OR COLLECTIVE BARGAINING AGREEMENT WITH A CUSTODIAN-ENGINEER, OR HIS/HER REPRESENTATIVE, EMPLOYED BY THE NEW YORK CITY DEPARTMENT OF EDUCATION which is in excess of one thousand five hundred dollars and the principal purpose of which is to furnish services through the use of building service employees.

"Building service employee" or "employee" includes, but is not limited, to, watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, window cleaner, and occupations relating to the collection of garbage or refuse, and to the transportation of office furniture and equipment, and to the transportation and delivery of fossil fuel but does not include clerical, sales, professional, technician and related occupations. "BUILDING SERVICE EMPLOYEE" ALSO INCLUDES, BUT IS NOT LIMITED TO CUSTODIAN EMPLOYEES EMPLOYED AS ENGINEERS, STATIONARY ENGINEERS, FIREMEN, FIREMEN-CLEANERS, BOILER ROOM MAINTENANCE MEN, CUSTODI-

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

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AN-HELPERS, COAL PASSERS, WATCHMEN, GUARDS, BUILDING CLEANERS, HANDYMEN, STATIONARY FIREMEN, OR WINDOW CLEANERS AT THE NEW YORK CITY DEPARTMENT OF EDUCATION.

"Building service employee" or "employee" also does not include any employee to whom the provisions of articles eight and [eight-a] EIGHT-A of this chapter are applicable.

4. "Contractor" means any employer who employs employees to perform building service work under a contract with a public agency and shall include any of the contractor's subcontractors. FOR THE LIMITED PURPOSE OF CONTRACTS OR COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE BARGAINING REPRESENTATIVE OF A BUILDING SERVICE EMPLOYEE AND CUSTODIAN-ENGINEER, CONTRACTOR SHALL INCLUDE CUSTODIAN-ENGINEERS EMPLOYED BY THE NEW YORK CITY DEPARTMENT OF EDUCATION.

S 2. This act shall take effect immediately.