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I N   A S S E M B L Y

February 4, 2014

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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:

1     Section 1. Subdivisions 1 and 4 of section 230 of the labor law,  
2     subdivision 1 as amended by chapter 542 of the laws of 1984, and subdi-  
3     vision 4 as amended by chapter 678 of the laws of 2007, are amended to  
4     read as follows:  
5     1. "Building service employee" or "employee" means any person perform-  
6     ing work in connection with the care or maintenance of an existing  
7     building, or in connection with the transportation of office furniture  
8     or equipment to or from such building, or in connection with the trans-  
9     portation and delivery of fossil fuel to such building, for a contractor  
10    under a contract with a public agency OR UNDER A CONTRACT OR COLLECTIVE  
11    BARGAINING AGREEMENT WITH A CUSTODIAN-ENGINEER, OR HIS/HER REPRESENTATIVE,  
12    EMPLOYED BY THE NEW YORK CITY DEPARTMENT OF EDUCATION which is  
13    in excess of one thousand five hundred dollars and the principal purpose  
14    of which is to furnish services through the use of building service  
15    employees.  
16    "Building service employee" or "employee" includes, but is not limit-  
17    ed, to, watchman, guard, doorman, building cleaner, porter, handyman,  
18    janitor, gardener, groundskeeper, stationary fireman, elevator operator  
19    and starter, window cleaner, and occupations relating to the collection  
20    of garbage or refuse, and to the transportation of office furniture and  
21    equipment, and to the transportation and delivery of fossil fuel but  
22    does not include clerical, sales, professional, technician and related  
23    occupations. "BUILDING SERVICE EMPLOYEE" ALSO INCLUDES, BUT IS NOT  
24    LIMITED TO CUSTODIAN EMPLOYEES EMPLOYED AS ENGINEERS, STATIONARY ENGI-  
25    NEERS, 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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1 AN-HELPERS, COAL PASSERS, WATCHMEN, GUARDS, BUILDING CLEANERS, HANDYMEN,  
2 STATIONARY FIREMEN, OR WINDOW CLEANERS AT THE NEW YORK CITY DEPARTMENT  
3 OF EDUCATION.

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

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

14 S 2. This act shall take effect immediately.