

4111

2013-2014 Regular Sessions

I N S E N A T E

March 8, 2013

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,
and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring sanitation work-
ers to receive training

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

1 Section 1. The labor law is amended by adding a new article 23-C to
2 read as follows:

3 ARTICLE 23-C

4 TRAINING FOR SANITATION WORKERS

5 SECTION 832. DEFINITIONS.

6 833. TRAINING FOR SANITATION WORKERS.

7 S 832. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT
8 REQUIRES OTHERWISE:

9 1. "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR.

10 2. "EMPLOYEE" MEANS A PERSON EMPLOYED DIRECTLY BY OR THROUGH ANY STATE
11 MUNICIPAL OR PRIVATE ENTITY TO PROVIDE SOLID, HAZARDOUS OR MEDICAL WASTE
12 COLLECTION, RECYCLING OR DISPOSAL SERVICES.

13 3. "EMPLOYER" MEANS ANY INDIVIDUAL, PERSON, CORPORATION, DEPARTMENT,
14 BOARD, BUREAU, AGENCY, COMMISSION, DIVISION, OFFICE, COUNCIL OR COMMIT-
15 TEE OF A MUNICIPALITY, OR OTHER BUSINESS ENTITY INCLUDING THE STATE, A
16 MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE,
17 WHICH EMPLOYS OR SEEKS TO EMPLOY AN EMPLOYEE TO PROVIDE SOLID, HAZARDOUS
18 OR MEDICAL WASTE COLLECTION, RECYCLING OR DISPOSAL SERVICES.

19 S 833. TRAINING FOR SANITATION WORKERS. 1. THE EMPLOYERS OF SANITATION
20 WORKERS ARE RESPONSIBLE FOR ENSURING ALL EMPLOYEES, INCLUDING SUPERVI-
21 SORS, MANAGERS, CONTRACT LABORERS, PART-TIME AND SEASONAL EMPLOYEES, ARE
22 PROPERLY TRAINED FOR THEIR ASSIGNED JOBS, TASKS, HAZARDS OR POTENTIAL
23 HAZARDS PRESENT AND USE OF RELATED EQUIPMENT. CONTRACTORS WHO MAY BE
24 ENGAGED TO OPERATE OR MAINTAIN THE EMPLOYER'S EQUIPMENT SHALL BE ADVISED

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

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1 OF THE UNIQUE HAZARDS RELATED TO THE EQUIPMENT WHICH MAY AFFECT THE
2 ACTIVITIES IN WHICH THE CONTRACTOR'S EMPLOYEES SHALL ENGAGE.

3 2. TRAINING SHALL BE PROVIDED PRIOR TO INITIAL ASSIGNMENT OF AN
4 EMPLOYEE TO A JOB OR TASK. ALL EMPLOYEES SHALL FURTHER BE REQUIRED TO
5 HAVE REFRESHER TRAINING, WHICH SHALL BE CONDUCTED ANNUALLY, FOR THE
6 PURPOSE OF MAINTAINING THE REQUIRED LEVEL OF COMPETENCE. RETRAINING
7 SHALL BE PROVIDED FOR EMPLOYEES WHENEVER THERE IS A CHANGE IN THEIR JOB
8 ASSIGNMENTS, OR A CHANGE IN EQUIPMENT THAT PRESENT A NEW HAZARD. ADDI-
9 TIONAL RETRAINING SHALL BE PROVIDED WHENEVER A PERIODIC INSPECTION BY
10 THE DEPARTMENT REVEALS, OR WHENEVER THE EMPLOYER HAS REASON TO BELIEVE
11 THAT THERE ARE EMPLOYEE DEVIATIONS FROM PROCEDURES OR INADEQUACIES IN
12 THE EMPLOYEE'S KNOWLEDGE OF PROCEDURES.

13 3. EMPLOYERS SHALL REFER EMPLOYEES TO, AND HAVE READILY AVAILABLE, THE
14 MANUFACTURER'S, INSTALLER'S OR MODIFIER'S INSTRUCTIONS TO ENSURE THAT
15 CORRECT OPERATING AND MAINTENANCE PROCEDURES AND WORK PRACTICES ARE
16 UNDERSTOOD AND FOLLOWED.

17 4. AN EMPLOYER SHALL REQUIRE THAT TRAINING IS PROVIDED EITHER BY A
18 CONTRACT LABORER'S PARENT EMPLOYER OR BY THE EMPLOYER FOR EACH JOB OR
19 TASK THAT IS PERFORMED.

20 5. THE EMPLOYER SHALL MAINTAIN TRAINING RECORDS TO INCLUDE THE DATE OR
21 DATES OF TRAINING AND THE TYPE OF TRAINING RECEIVED. RECORDS SHALL BE
22 MAINTAINED AS REQUIRED BY REGULATIONS TO BE PROMULGATED BY THE DEPART-
23 MENT. CONTRACTORS AND EMPLOYERS OF CONTRACT LABORERS SHALL PROVIDE THE
24 EMPLOYER WITH APPROPRIATE TRAINING RECORDS UPON DEMAND.

25 6. TRAINING SHALL BE TAILORED FOR INDIVIDUAL OPERATIONS, HAZARDS OR
26 POTENTIAL HAZARDS PRESENT AND THE TYPE OF EQUIPMENT UTILIZED INCLUDING
27 DETAILED, EQUIPMENT SPECIFIC TRAINING FOR DRIVERS, EQUIPMENT OPERATORS
28 AND LOADERS, AS WELL AS MAINTENANCE PERSONNEL AND SUPERVISORS. TRAINING
29 SHALL INCLUDE A PRACTICAL DEMONSTRATION OF EQUIPMENT OPERATION, THE
30 KNOWLEDGE AND SKILLS NEEDED BY THE EMPLOYEE TO OPERATE SUCH EQUIPMENT
31 AND THE CONSEQUENCES FOR FAILURE TO OPERATE THE EQUIPMENT PROPERLY, AS
32 APPROPRIATELY RELATED TO THE REQUIREMENTS OF THE EMPLOYEE'S JOB DUTIES.

33 7. TRAINING SHALL INCLUDE AT A MINIMUM:

34 (A) THE REQUIRED REGULATORY TRAINING AS OUTLINED BY THE FEDERAL AND
35 STATE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, THE FEDERAL DEPART-
36 MENT OF TRANSPORTATION, THE PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU
37 WITHIN THE DEPARTMENT, THE AMERICAN NATIONAL STANDARDS INSTITUTE AND ANY
38 OTHER APPLICABLE REGULATORY AGENCIES; AND

39 (B) THE OPERATIONAL INSTRUCTION ON EACH SPECIFIC TYPE OF EQUIPMENT
40 USED BY THE EMPLOYEE.

41 S 2. This act shall take effect on the one hundred eightieth day after
42 it shall have become a law; provided, however, that effective immediate-
43 ly, the addition, amendment and/or repeal of any rule or regulation
44 necessary for the implementation of this act on its effective date is
45 authorized and directed to be made and completed on or before such
46 effective date.