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

818

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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

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:

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

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

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

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

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

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

S 3. Subdivision 1 of section 206 of the public health law is amended 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.

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(T) BY RULE AND REGULATION, ESTABLISH STANDARDS NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWO-L OF THE LABOR LAW.

S 4. This act shall take effect immediately.