

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ROZIC, COOK, GOTTFRIED, MOSLEY, WRIGHT -- Multi-Sponsored by -- M. of A. GLICK, PERRY, RIVERA, STECK -- read once and referred to the Committee on Labor

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 subdivi-
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 limited,
17 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

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

LBD01730-01-5

1 LIMITED TO CUSTODIAN EMPLOYEES EMPLOYED AS ENGINEERS, STATIONARY ENGI-
2 NEERS, FIREMEN, FIREMEN-CLEANERS, BOILER ROOM MAINTENANCE MEN, CUSTODI-
3 AN-HELPERS, COAL PASSERS, WATCHMEN, GUARDS, BUILDING CLEANERS, HANDYMEN,
4 STATIONARY FIREMEN, OR WINDOW CLEANERS AT THE NEW YORK CITY DEPARTMENT
5 OF EDUCATION.

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

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

16 S 2. This act shall take effect immediately.