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

5080

2015-2016 Regular Sessions

I N S E N A T E

April 30, 2015

Introduced by Sen. GOLDEN -- 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 employers who employ one or more police officers to provide ballistic soft-body armor vests to New York city police officers

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

Section 1. Paragraph d of subdivision 4 of section 27-a of the labor law is relettered paragraph e and a new paragraph d is added to read as follows:

D. ANY EMPLOYER LOCATED IN A CITY WITH A POPULATION OF OVER ONE MILLION AND THAT EMPLOYS ONE OR MORE POLICE OFFICERS, AS DEFINED BY SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, SHALL PROVIDE, AT THE EXPENSE OF THE EMPLOYER, A BALLISTIC SOFT-BODY ARMOR VEST TO EACH POLICE OFFICER ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH AND SHALL REPLACE EACH POLICE OFFICER'S BALLISTIC SOFT-BODY ARMOR VEST AS REQUIRED BY THIS PARAGRAPH OR MORE STRINGENT REGULATIONS PROMULGATED BY THE COMMISSIONER IN CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-D OF THE EXECUTIVE LAW. UNLESS EXPRESSLY AGREED PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER SHALL NOT REQUIRE A POLICE OFFICER TO PURCHASE A BALLISTIC SOFT-BODY ARMOR VEST OUT OF A UNIFORM ALLOWANCE PROVIDED BY THE EMPLOYER OR ANY OTHER AMOUNT PAID BY THE EMPLOYER TO A POLICE OFFICER FOR THE PURPOSE OF PURCHASING UNIFORMS AND/OR EQUIPMENT.

(I) AS USED IN THIS PARAGRAPH, "BALLISTIC SOFT-BODY ARMOR VEST" SHALL MEAN A CUSTOM-FITTED, CONCEALABLE, SOFT-BODY ARMOR OR BULLETPROOF VEST THAT MEETS OR EXCEEDS THE STANDARDS OF VESTS COMMONLY KNOWN OR CLASSIFIED AS TYPE III-A WITH SIDE AND EXTENDED PROTECTION, OR ANY OTHER CUSTOM-FITTED, CONCEALABLE, SOFT-BODY ARMOR VEST THAT MAY BE DEVELOPED, TESTED, AND APPROVED WHICH EXCEEDS THE LEVEL OF PROTECTION OF THOSE

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

LBD09901-01-5

VESTS COMMONLY KNOWN OR CLASSIFIED AS TYPE III-A WITH SIDE AND EXTENDED PROTECTION IN SUCH STANDARD CLASSIFICATION SYSTEMS SET FORTH BY THE NATIONAL INSTITUTE OF JUSTICE AND FOUND TO MEET OR EXCEED (A) THE REQUIREMENTS OF NATIONAL INSTITUTE OF JUSTICE STANDARDS 0101.06 AND/OR THE HIGHEST INDUSTRY STANDARD THEN IN EFFECT AT THE TIME OR (B) ANY OTHER REQUIREMENTS FOR VESTS SET FORTH IN SUBSEQUENT REVISIONS THEREOF WHICH OTHERWISE COMPLY WITH MORE STRINGENT REQUIREMENTS SET FORTH IN REGULATIONS PROMULGATED BY THE COMMISSIONER. NOTHING IN THIS SECTION SHALL PROHIBIT AN EMPLOYER FROM PROVIDING POLICE OFFICERS UNDER ITS EMPLOY BALLISTIC SOFT-BODY ARMOR VESTS THAT EXCEED THE MINIMUM REQUIREMENTS SET FORTH IN THIS SUBPARAGRAPH OR REGULATIONS ADOPTED BY THE COMMISSIONER.

(II) ALL BALLISTIC SOFT-BODY ARMOR VESTS PROVIDED TO POLICE OFFICERS UNDER THIS PARAGRAPH ARE REQUIRED TO, AT A MINIMUM, BE REPLACED AT THE EXPENSE OF THE EMPLOYER (A) ON OR BEFORE THE EXPIRATION OF THE MANUFACTURER'S WARRANTY PERIOD BUT NOT LATER THAN FIVE YEARS AFTER THE DATE OR PURCHASE BY THE EMPLOYER; (B) AFTER ANY BALLISTIC SOFT-BODY ARMOR VEST SUSTAINS A HIT FROM A FIREARM OR PROJECTILE; (C) AFTER A BALLISTIC SOFT-ARMOR VEST IS DAMAGED OR DESTROYED DUE TO ITS USE IN SERVICE, WEAR, OR ANY OTHER REASON THAT WOULD AFFECT THE PROTECTIVE QUALITIES OF THE BALLISTIC SOFT-BODY ARMOR VEST NECESSITATING ITS REMOVAL FROM SERVICE; OR (D) WHEN, FOR ANY REASON, THE VEST DOES NOT PROPERLY FIT OR OTHERWISE DOES NOT PROVIDE THE NECESSARY PROTECTION FOR THE INDIVIDUAL POLICE OFFICER.

(III) NOTWITHSTANDING ANYTHING TO THE CONTRARY, TO OFFSET THE COST IN PROVIDING OR REPLACING BALLISTIC SOFT-BODY ARMOR VESTS AS REQUIRED BY THIS PARAGRAPH, AN EMPLOYER MAY APPLY FOR REIMBURSEMENT PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-D OF THE EXECUTIVE LAW OR ANY FEDERAL OR STATE PROGRAM THEN IN EFFECT FOR THE REIMBURSEMENT OR REPLACEMENT OF BALLISTIC SOFT-BODY ARMOR VESTS FOR POLICE OFFICERS WITHIN THE STATE.

S 2. The act shall take effect immediately.