

# STATE OF NEW YORK

10861

## IN ASSEMBLY

July 24, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cruz) --  
read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing benefits  
and protections of essential employees during a state of emergency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 20 of the executive law is amended  
2 by adding a new paragraph 1 to read as follows:

3 1. "Essential services" means services, whether rendered to the  
4 government or to any other person, provided by essential persons, busi-  
5 nesses, non-profits or other entities.

6 § 2. Subparagraph 4 of paragraph a of subdivision 7 of section 23 of  
7 the executive law, as amended by section 4 of part B of chapter 56 of  
8 the laws of 2010, is amended and two new subparagraphs 5 and 6 are added  
9 to read as follows:

10 (4) such other measures as reasonably can be taken to protect lives,  
11 prevent disasters, and reduce their impact[-];

12 (5) such measures as reasonably can be taken to provide all benefits  
13 and protections to employees of essential persons, businesses, non-pro-  
14 fits or other entities providing essential services that maintain  
15 support for such positions including, but not limited to, child care,  
16 medical supplies and/or personal protective equipment;

17 (6) suggested measures to provide care to, at a minimum, students aged  
18 twelve and under. In order to ensure that emergency plans are providing  
19 for the needs of such students, such plans shall clarify the work that  
20 falls within each of the identified essential persons, businesses, non-  
21 profits or other entities. Additionally, such plans shall be used by  
22 child care providers to prioritize the needs of essential workers during  
23 an emergency.

24 § 3. Subparagraph (vi) of paragraph g of subdivision 1 of section 24  
25 of the executive law, as added by chapter 640 of the laws of 1978 and as  
26 relettered by chapter 158 of the laws of 1994, is amended and two new  
27 paragraphs h and i are added to read as follows:

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

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(vi) when practicable, specialists shall be assigned to assist with the related emergency actions to avoid adverse effects resulting from such suspension[~~red~~];

h. such measures as reasonably can be taken to provide all benefits and protections to employees of essential persons, businesses, non-profits or other entities providing essential services that maintain support for such positions including, but not limited to, child care, medical supplies and/or personal protective equipment;

i. suggested measures to provide care to, at a minimum, students aged twelve and under. In order to ensure that emergency plans are providing for the needs of such students, such plans shall clarify the work that falls within each of the identified essential persons, businesses, non-profits or other entities. Additionally, such plans shall be used by child care providers to prioritize the needs of essential workers during an emergency.

§ 4. Section 29 of the executive law, as added by chapter 640 of the laws of 1978, is amended to read as follows:

§ 29. Direction of state agency assistance in a disaster emergency. Upon the declaration of a state disaster emergency the governor may direct any and all agencies of the state government to provide assistance under the coordination of the disaster preparedness commission. Such state assistance may include: (1) utilizing, lending, or giving to political subdivisions, with or without compensation therefor, equipment, supplies, facilities, services of state personnel, and other resources, other than the extension of credit; (2) distributing medicine, medical supplies, food and other consumable supplies through any public or private agency authorized to distribute the same; (3) performing on public or private lands temporary emergency work essential for the protection of public health and safety, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of political subdivisions damaged or destroyed as a result of such disaster; [~~and~~] (4) making such other use of their facilities, equipment, supplies and personnel as may be necessary to assist in coping with the disaster or any emergency resulting therefrom; and (5) benefits and protections to employees of essential persons, businesses, non-profits or other entities providing essential services that maintain support for such positions including, but not limited to, child care, medical supplies and/or personal protective equipment.

§ 5. This act shall take effect immediately.