# STATE OF NEW YORK

8617

# IN SENATE

June 22, 2020

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

AN ACT requiring public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease

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

Section 1. Definitions. For the purposes of this act:

1. "Personal protective equipment" shall mean all equipment worn to minimize exposure to hazards, including gloves, masks, face shields, foot and eye protection, protective hearing devices, respirators, hard hats, and disposable gowns and aprons.

2. "Public employer" or "employer" shall mean the state of New York, a county, city, town, village or any other political subdivision or civil division of the state, a public authority, commission or public benefit corporation, or any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of this state.

3. "Contractor" shall mean an individual performing services as party to a contract awarded by the state of New York or any other public employer defined in subdivision two of this section.

4. "Essential" shall refer to a designation made that a public employee or contractor is required to be physically present at a work site to perform his or her job.

5. "Non-essential" shall refer to a designation made that a public employee or contractor is not required to be physically present at a work site to perform his or her job.

6. "Communicable disease" shall mean an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.

§ 2. Each public employer in the state of New York shall prepare a plan for the continuation of operations in the event that the governor

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

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declares a public health emergency involving a communicable disease. Such plans shall be completed within ninety days of the effective date of this act and shall follow the provisions for review and publication as prescribed in section four of this act.

§ 3. The operations plan required by this act shall include, but not be limited to:

1. A list and description of positions and titles considered essential in the event of a state-ordered reduction of in-person workforce, and a justification of such consideration for each position and title included.

2. A specific description of protocols the employer will follow in order to enable all non-essential employees and contractors to telecommute including, but not limited to, the procurement and distribution of office laptops, desktops and cell phones, as necessary, the downloading and installation of any needed software or data, and the transferring of office phone lines to work or personal cell phones.

3. A description of how the employer will, to the extent possible, stagger work shifts of essential employees and contractors in order to reduce overcrowding on public transportation systems and at worksites.

4. An estimated number of additional parking permits that will be required for essential employees and contractors and a detailed plan for how the employer will procure such permits from state or local governments.

5. A description of how the employer will procure the appropriate personal protective equipment for essential employees and contractors, based upon the various tasks and needs of such employees and contractors in a quantity sufficient to provide at least two pieces of each type of personal protective equipment to each essential employee and contractor during any given work shift over at least six months. Such description shall also include a plan for storage of such equipment to prevent degradation and permit immediate access in the event of an emergency declaration.

6. A protocol for actions to be taken in the event an employee or contractor is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, and/or tests positive for such disease. Such protocols shall be designed to accomplish immediate testing, treatment, and isolation or quarantine of sick or exposed employees and contractors. Such protocol shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee or contractor known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee or contractor may have touched.

7. A protocol for documenting precise hours and work locations, including off-site visits, for essential employees and contractors. Such protocol shall be designed to aid in tracking of the disease and to identify the population of exposed employees and contractors in order to facilitate the provision of any benefits which may be available to certain employees and contractors on that basis.

8. A protocol for how the public employer will work with such employer's locality to identify sites for emergency housing for essential employees in order to further contain the spread of the communicable disease that is the subject of the declared emergency.

§ 4. Once drafted, each public employer shall present the plan described in this act to the duly recognized or certified representative of the employer's employees, who shall then be granted an opportunity to

edit such plan as the representative sees fit. A copy of the final version of such plan shall then be submitted to both houses of the legislature and published in a clear and conspicuous manner on the employer's website.

§ 5. Within ninety days of the effective date of this act, the department of labor shall create a telephone hotline and dedicated webpage through which any individual may report alleged or believed violations of any provision of the plans described in this act for investigation by the department. Such webpage and hotline shall allow individuals to report alleged or believed violations anonymously.

§ 6. Nothing in this act shall be deemed to impede, infringe, diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship, or to prohibit any personnel action which otherwise would have been taken regardless of any request to use, or utilization of, any leave provided by this act.

§ 7. This act shall take effect immediately.