

STATE OF NEW YORK

8645

IN SENATE

June 29, 2020

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

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

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

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

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

18 § 29. Direction of state agency assistance in a disaster emergency.
19 Upon the declaration of a state disaster emergency the governor may
20 direct any and all agencies of the state government to provide assist-
21 ance under the coordination of the disaster preparedness commission.
22 Such state assistance may include: (1) utilizing, lending, or giving to
23 political subdivisions, with or without compensation therefor, equip-
24 ment, supplies, facilities, services of state personnel, and other
25 resources, other than the extension of credit; (2) distributing medi-
26 cine, medical supplies, food and other consumable supplies through any
27 public or private agency authorized to distribute the same; (3) perform-
28 ing on public or private lands temporary emergency work essential for
29 the protection of public health and safety, clearing debris and wreck-
30 age, making emergency repairs to and temporary replacements of public
31 facilities of political subdivisions damaged or destroyed as a result of
32 such disaster; [~~and~~] (4) making such other use of their facilities,
33 equipment, supplies and personnel as may be necessary to assist in
34 coping with the disaster or any emergency resulting therefrom; and (5)
35 benefits and protections to employees of essential persons, businesses,
36 non-profits or other entities providing essential services that maintain
37 support for such positions including, but not limited to, child care,
38 medical supplies and/or personal protective equipment.

39 § 5. This act shall take effect immediately.