

STATE OF NEW YORK

8184

IN SENATE

April 13, 2020

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to establishing tiers 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. The executive law is amended by adding a new section 29-1
2 to read as follows:

3 § 29-1. Tiers of essential workers. During periods when a federal,
4 state, or local state of emergency has been declared, the persons
5 employed in the following positions shall be deemed essential personnel
6 in the following manner and shall be entitled to federal, state and
7 local mandated assistance, benefits and protections that maintain such
8 employees positions including, but not limited to, child care, medical
9 supplies and/or personal protective equipment:

10 1. Tier I. Essential employees, including:

11 (a) healthcare personnel needed for direct care and critical adminis-
12 trative staff of the personnel needed for direct care, including:

13 (i) full-time and part-time long-term facility personnel, including,
14 but not limited to, personnel working in group homes and supportive
15 housing settings, residential homes, nursing homes, and residential
16 mental health, substance use disorder, pediatric and adolescent residen-
17 tial treatment facilities;

18 (ii) full-time and part-time post-acute care personnel, including, but
19 not limited to, personnel working in long-term hospitals, in-patient
20 rehabilitation, home health care, and skilled nurses;

21 (iii) home health and personal care attendants;

22 (iv) personnel working in adult, adolescent and pediatric residential
23 mental health, behavioral health or substance use disorder treatment
24 facilities, intensive residential treatment services, emergency shel-
25 ters, health care for the homeless providers, and homeless drop-in
26 centers;

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

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(v) county and tribal financial/eligibility workers for public programs;
(vi) state, tribal and county staff in emergency management or health and human services, including case managers and direct service delivery;
(vii) personnel working in county and tribal child welfare;
(viii) pharmacy employees necessary for filling prescriptions;
(b) full-time emergency medical services personnel, including:
(i) paramedics;
(ii) emergency medical technicians;
(iii) immediate supervisory staff;
(iv) emergency medical services operators and dispatchers;
(v) emergency medical services region medical directors necessary to make override decisions to direct ambulances to other emergency rooms based on medical needs;
(c) law enforcement personnel, including:
(i) full-time police officers and their supervisory staff;
(ii) full-time sheriffs and their supervisory staff;
(iii) full-time department of environmental conservation sworn officers and their supervisory staff;
(iv) full-time state police officers and their supervisory staff;
(v) 911 operators and dispatchers and their supervisory staff;
(vi) full-time investigators, at the discretion of their agency chief;
(d) firefighter personnel, including:
(i) full-time firefighters;
(ii) paid on call duty crew;
(e) correctional services personnel, including:
(i) corrections officers;
(ii) correctional lieutenants;
(iii) correctional captains;
(iv) correctional sergeants;
(v) physical plant personnel;
(vi) correctional facility case managers;
(vii) correctional facility educators and educational paraprofessionals;
(viii) wardens;
(ix) associate wardens;
(x) correctional facility office assistants;
(xi) correctional facility nurses and supervisors;
(xii) correctional program therapists;
(xiii) correctional facility personnel;
(xiv) informational technology staff;
(xv) correctional facility human resources staff;
(xvi) correctional facility financial services personnel;
(xvii) correctional facility records personnel;
(xviii) correctional facility safety officers;
(f) centralized correctional operations personnel, including:
(i) medical directors;
(ii) directors of health services;
(iii) reentry services personnel;
(iv) policy and legal services personnel;
(v) offender transportation personnel;
(vi) centralized records personnel;
(vii) centralized human resources personnel;
(viii) investigators, including special investigations and professional accountability;
(ix) personnel assigned to the disaster preparedness commission;

(x) government and community relations personnel;
(xi) hearings and release personnel;
(xii) behavioral health personnel;
(xiii) communications personnel;
(xiv) personnel in the office of the commissioner of corrections and
community supervision;
(g) correctional, transitional and supervision services personnel,
including:
(i) state probation officers and supervisors;
(ii) state probation agents and supervisors;
(iii) state supervised release agents and supervisors;
(iv) county probation officers and supervisors;
(v) county probation agents and supervisors;
(vi) county supervised release agents and supervisors;
(h) public health personnel, including:
(i) state, tribal and local public health employees directly support-
ing the response of COVID-19 and other infectious disease operations;
(ii) state, tribal and local public health officials responding to
imminent public health threats;
(iii) newborn health screeners;
(iv) state, tribal and local public health lab priority services;
(v) state, city, county and tribal emergency management essential
personnel supporting COVID-19;
(i) court personnel, including full-time court personnel.
2. Tier II. Essential employees, including:
(a) educators;
(b) child care workers;
(c) department of transportation employees;
(d) state and local essential information technology personnel;
(e) substance disorder treatment workers;
(f) medical examiners;
(g) janitorial, custodial and cleaning staff;
(h) delivery workers;
(i) national guard members (if activated);
(j) water treatment/wastewater personnel, including:
(i) water treatment plant operators;
(ii) drinking water distribution system maintenance workers;
(iii) safe drinking water delivery personnel;
(iv) wastewater treatment plant operators;
(v) storm and sanitary sewer system maintenance workers;
(k) day-to-day operations personnel for gas and electric utilities,
including:
(i) electric utility lineworkers, substation technicians, meter tech-
nicians, dispatchers, power plant operators;
(ii) operations managers and supervisors;
(iii) fleet and maintenance technicians;
(iv) transmission and distribution engineers and operators;
(v) construction coordinators and technicians;
(vi) fuel technicians;
(vii) relay coordinators;
(viii) control room/center operators;
(ix) cybersecurity related information technology personnel;
(x) gas safety personnel;
(xi) gas utility operations personnel;
(xii) water system operators, water treatment plant operators;

(xiii) wastewater system operators and wastewater treatment plant operators;

(xiv) managers with key responsibility for customer and community communications and response;

(l) emergency response for gas and electric utilities personnel, including:

(i) damage assessment personnel;

(ii) engineers;

(iii) safety personnel;

(iv) communications personnel;

(v) mutual aid crews from other utilities;

(m) restaurant workers, including:

(i) management;

(ii) front of house staff;

(iii) back of house staff;

(iv) food delivery workers;

(n) food distribution workers, including street vendors;

(o) food distribution centers personnel, including:

(i) drivers;

(ii) order selectors;

(iii) forklift loaders;

(iv) information technology personnel;

(v) mechanics;

(vi) sanitation workers;

(p) in-store food personnel, including:

(i) store clerks;

(ii) stockers;

(iii) food preparation personnel;

(iv) cleaning staff;

(v) deli and produce staff;

(q) public works personnel, including:

(i) city fleet (emergency equipment, fire trucks, police vehicles, etc.) maintenance workers;

(ii) traffic signal system maintenance workers;

(iii) emergency repair workers for bridges, water and sewer main breaks, and other emergent issues;

(iv) administrative support personnel that ensure federal OSHA safety requirements and field support for operations;

(v) snowplow drivers;

(r) solid waste management (waste, recyclable/organics) personnel, including:

(i) collection, transfer trailer truck drivers and fleet maintenance crews;

(ii) transfer stations, landfills, resource recovery, recycling and organics facility operations staff;

(iii) heavy equipment operators, facility operators (e.g. scale house operator, loader operator, line operators, boiler operator);

(iv) environmental systems personnel (e.g. gas and leachate management, pollution control equipment);

(s) infectious and hazardous waste management personnel, including:

(i) infectious and hazardous waste collection personnel;

(ii) infectious facilities operations personnel (e.g. autoclave and incineration operators);

(iii) hazardous waste treatment, storage, and disposal facilities operations personnel;

(t) other shelter staff and outreach workers, including:

- 1 (i) outreach workers to people experiencing homelessness;
- 2 (ii) shelter and drop-in center maintenance, housekeeping and janito-
- 3 rial staff;
- 4 (iii) shelter and drop-in center security staff;
- 5 (iv) shelter and free meal program food preparation staff;
- 6 (v) domestic violence and victims services shelter staff;
- 7 (u) telecommunication network operations personnel, including:
- 8 (i) outside plant technicians for infrastructure restoration;
- 9 (ii) install/repair technicians for customer premise restoration as
- 10 needed;
- 11 (iii) customer service representatives that interface with customers
- 12 on service troubles;
- 13 (iv) dispatchers involved with service repair and restoration.

14 § 2. This act shall take effect immediately.