STATE OF NEW YORK

1396

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

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

AN ACT to amend the workers' compensation law, in relation to workplace safety and loss prevention programs

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

Section 1. Subdivisions 1 and 2 of section 134 of the workers' compensation law, as amended by chapter 6 of the laws of 2007 and subdivision 1 as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

1. The commissioner of labor, in consultation with the superintendent of financial services and the chair of the board shall develop a compulsory workplace safety and loss prevention program for all employers whose most recent annual payroll is in excess of [~~eight~~] one million two hundred thousand dollars and whose most recent experience rating exceeds the level of 1.2. The commissioner of labor shall adjust the annual payroll amount in this subdivision annually beginning on the first of March next succeeding the date on which the chapter of the laws of two thousand twenty-one that amended this subdivision shall have become law. Such adjustment shall be based on the percentage increase in the wages and salaries for private industry workers for the preceding calendar year as stated in the Employment Cost Index reported by the United States Bureau of Labor Statistics. The commissioner of labor shall promulgate rules and regulations for the implementation of safety, drug and alcohol prevention, and return to work incentive programs.

2. The commissioner of labor shall provide written notification to employers whose most recent annual payroll is in excess of [~~eight~~] one million two hundred thousand dollars and whose most recent experience rating exceeds the level of 1.2 that they are required to undergo a workplace safety and loss prevention consultation and written evaluation. Copies of the written notification shall be provided to the

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

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department of labor and the employer's insurer. The employer must arrange for the consultation and evaluation within thirty days after receiving the notification and must within ten days thereafter notify its insurer and the department of labor in writing of the means by which the evaluation is to be accomplished. The employer must provide its insurer and the department of labor with a copy of the evaluation within thirty days after receiving it from the safety and loss consultant. Any remedial action recommended in the evaluation must be implemented by the employer within a reasonable period of time, but not to exceed six months after the employer receives the evaluation. The insurer, within sixty days after the expiration of such six month period, shall conduct an inspection to ascertain whether the recommended remedial action has been implemented, and the insurer shall within forty-five days thereafter provide to the employer and the department of labor a copy of its inspection report.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.