

STATE OF NEW YORK

6117

2023-2024 Regular Sessions

IN SENATE

March 30, 2023

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 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.

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

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

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

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

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

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

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

43 § 5. This act shall take effect immediately.