

Legislative Bill Drafting Commission
16176-02-0

S. -----
 Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

LABOLA

(Relates to providing hazard
payments to essential workers during
a state disaster emergency)

Lab. hazard payments

AN ACT

to amend the labor law, in relation
to providing hazard payments to
essential workers during a state
disaster emergency

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s02 Flanagan	s09 Kaminsky	s25 Montgomery	s23 Savino
s52 Akshar	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s46 Amedore	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s36 Bailey	s05 Gaughran	s63 Kennedy	s62 Ortt	s29 Serrano
s30 Benjamin	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s34 Biaggi	s22 Gounardes	s24 Lanza	s19 Persaud	s39 Skoufis
s57 Borrello	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s04 Boyle	s40 Harckham	s45 Little	s61 Ranzzenhofer	s35 Stewart-
s44 Breslin	s54 Helming	s11 Liu	s48 Ritchie	Cousins
s08 Brooks	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s38 Carlucci	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s14 Comrie	s60 Jacobs	s37 Mayer	s18 Salazar	s50
s17 Felder	s43 Jordan	s42 Metzger	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a053 Davila	a128 Hunter	a037 Nolan	a099 Schmitt
a092 Abinanti	a072 De La Rosa	a029 Hyndman	a144 Norris	a076 Seawright
a084 Arroyo	a034 DenDekker	a104 Jacobson	a069 O'Donnell	a052 Simon
a107 Ashby	a003 DeStefano	a097 Jaffee	a051 Ortiz	a036 Simotas
a035 Aubry	a070 Dickens	a011 Jean-Pierre	a091 Otis	a005 Smith
a120 Barclay	a054 Dilan	a135 Johns	a132 Palmesano	a118 Smullen
a030 Barnwell	a081 Dinowitz	a115 Jones	a002 Palumbo	a022 Solages
a106 Barrett	a147 DiPietro	a077 Joyner	a088 Paulin	a114 Stec
a060 Barron	a016 D'Urso	a040 Kim	a141 Peoples-	a110 Steck
a082 Benedetto	a048 Eichenstein	a131 Kolb	Stokes	a010 Stern
a042 Bichotte	a004 Englebright	a105 Lalor	a058 Perry	a127 Stirpe
a079 Blake	a074 Epstein	a013 Lavine	a023 Pheffer	a102 Tague
a117 Blankenbush	a109 Fahy	a134 Lawrence	Amato	a071 Taylor
a098 Brabenec	a061 Fall	a050 Lentol	a086 Pichardo	a001 Thiele
a026 Braunstein	a080 Fernandez	a125 Lifton	a089 Pretlow	a033 Vanel
a138 Bronson	a126 Finch	a009 LiPetri	a073 Quart	a116 Walczyk
a093 Buchwald	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a055 Walker
a142 Burke	a124 Friend	a129 Magnarelli	a006 Ramos	a143 Wallace
a119 Buttenschon	a046 Frontus	a064 Malliotakis	a062 Reilly	a112 Walsh
a094 Byrne	a095 Galef	a130 Manktelow	a087 Reyes	a041 Weinstein
a133 Byrnes	a137 Gantt	a108 McDonald	a043 Richardson	a024 Weprin
a103 Cahill	a007 Garbarino	a014 McDonough	a078 Rivera	a059 Williams
a044 Carroll	a148 Giglio	a146 McMahon	a068 Rodriguez	a113 Woerner
a047 Colton	a066 Glick	a017 Mikulin	a027 Rosenthal, D.	a056 Wright
a032 Cook	a150 Goodell	a101 Miller, B.	a067 Rosenthal, L.	a096 Zebrowski
a085 Crespo	a075 Gottfried	a038 Miller, M. G.	a025 Rozic	a012
a122 Crouch	a021 Griffin	a020 Miller, M. L.	a149 Ryan	a031
a039 Cruz	a100 Gunther	a015 Montesano	a121 Salka	a136
a063 Cusick	a139 Hawley	a145 Morinello	a111 Santabarbara	
a045 Cymbrowitz	a083 Heastie	a057 Mosley	a090 Sayegh	
a018 Darling	a028 Hevesi	a065 Niou	a140 Schimminger	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. The labor law is amended by adding a new section 196-c to
2 read as follows:

3 § 196-c. Essential worker hazard payments. 1. For the purposes of this
4 section:

5 (a) "essential worker" means any employee of an employer providing
6 essential services or functions during any state disaster emergency
7 declared pursuant to article two-B of the executive law and designated
8 as an essential worker pursuant to any law, rule, regulation or execu-
9 tive order including but not limited to essential health care operations
10 including research and laboratory services; essential infrastructure
11 including utilities, telecommunication, airports and transportation
12 infrastructure; essential retail including grocery stores and pharma-
13 cies; essential services including trash collection, mail, and shipping
14 services; news media; banks and related financial institutions; provid-
15 ers of basic necessities to economically disadvantaged populations;
16 construction; vendors of essential services necessary to maintain the
17 safety, sanitation and essential operations of residences or other
18 essential businesses; vendors that provide essential services or
19 products, including logistics and technology support, child care and
20 services needed to ensure the continuing operation of government agen-
21 cies and provide for the health, safety and welfare of the public;

22 (b) "employer" means a formula retail store, large employer, transpor-
23 tation business, or franchisee or subcontractor, and includes any indi-
24 vidual, partnership, association, corporation, limited liability compa-
25 ny, business trust, legal representative, or any organized group of
26 persons acting as such an employer;

27 (c) "formula retail store" means any employer that operates a retail
28 sales or restaurant establishment either directly or through franchisees

1 and that, along with eleven or more other retail sales or restaurant
2 establishments located in the United States, maintains two or more of
3 the following features: (i) a standardized array of merchandise, a
4 standardized facade, a standardized decor and color scheme, a uniform
5 apparel, standardized signage, a trademark; or (ii) a servicemark;

6 (d) "large employer" means any employer that has annual gross revenue
7 of fifty million dollars or more, but shall not include: (i) an employer
8 whose principal industry is manufacturing; or (ii) a not-for-profit
9 organization. An employer shall be deemed to have annual gross revenue
10 of fifty million dollars or more if it had revenue at or exceeding that
11 level in any of the past three fiscal or calendar years;

12 (e) "manufacturing" means the process of working raw materials into
13 products suitable for use or which gives new shapes, new quality or new
14 combinations to matter which has already gone through some artificial
15 process by the use of machinery, tools, appliances, or other similar
16 equipment;

17 (f) "not-for-profit organization" means an entity exempt from taxation
18 under section 501(c)(3) of the federal internal revenue code;

19 (g) "transportation business" means any industry, business, or estab-
20 lishment operated for the purpose of conveying persons or property from
21 one place to another whether by rail, highway, air, or water, and all
22 operations and services in connection therewith; and

23 (h) "franchisee or subcontractor" means any employer that operates
24 under a franchise agreement with a formula retail store or large employ-
25 er, or that provides services, including but not limited to janitorial,
26 maintenance, security, staffing, passenger services, food services, or
27 temporary services to a formula retail store, large employer, or trans-
28 portation business.

1 2. During a state disaster emergency, when essential workers are
2 exposed as a result of their work assignments to an unavoidable, clear
3 and direct risk and hazard to safety and health, the commissioner shall
4 direct all employers of essential workers to make hazard payments to
5 such essential workers. Such payment shall be a percentage or a fixed
6 dollar amount, as prescribed by the commissioner, provided, however, no
7 hazard payment shall exceed twenty-five thousand dollars in any year for
8 any essential worker earning less than two hundred thousand dollars per
9 year or five thousand dollars for any essential worker earning more than
10 two hundred thousand dollars. Such payments shall be in addition to and
11 shall not be part of an essential worker's basic annual salary, and
12 shall not affect or impair any performance advancement payments,
13 performance awards, longevity payments or other rights or benefits to
14 which an essential worker may be entitled. A hazard payment shall be
15 terminated upon the cessation of the state disaster emergency.

16 3. The commissioner shall adopt regulations necessary to carry out the
17 provisions of this section.

18 § 2. This act shall take effect immediately.