

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 23

Introduced by Council Members Miller, Ampry-Samuel, Kallos, Rosenthal, Adams, Louis, Yeger, Rivera and Barron.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the dissemination of occupational safety and health information to city employees during a public health emergency

Be it enacted by the Council as follows:

Section 1. Section 12-208 of the administrative code of the city of New York, as added by local law number 182 for the year 2018, is renumbered section 12-209.

§ 2. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-210 to read as follows:

§ 12-210 Dissemination of occupational safety and health information during a public health emergency. a. Definitions. For purposes of this section, the following terms have the following meanings:

City agency. The term “city agency” means: (i) any agency as such term is defined in section 1150 of the New York city charter, the head of which is appointed by the mayor; and (ii) any agency as such term is defined in section 1150 of the New York city charter headed by a board, commission or other multi-member body, where a majority of such body’s members are appointed by the mayor.

Citywide office of occupational safety and health. The term “citywide office of occupational safety and health” means the office within the department of citywide administrative services responsible for providing oversight to city agencies in environmental and occupational safety and health to ensure compliance with federal, state and local regulations or any successor office that carries out the same or substantially similar functions.

Occupational safety and health agency. The term “occupational safety and health agency” means any federal, state or city agency or office that issues guidance related to occupational safety and health, including the federal occupational safety and health administration, the public employee safety and health bureau, the federal centers for disease control and prevention, the national institute for occupational safety and health and the department of health and mental hygiene.

Public health emergency. The term “public health emergency” means any time during which, due to a threat to public health, a state of emergency has been declared by the governor pursuant to section 28 of the executive law or by the mayor pursuant to section 24 of the executive law or a public health emergency has been declared by the commissioner of health and mental hygiene pursuant to subdivision d of section 3.01 of the New York city health code.

Safety and health coordinator. The term “safety and health coordinator” means the person at a city agency who is primarily responsible for occupational safety and health within the city agency.

b. During any public health emergency, the citywide office of occupational safety and health shall monitor all occupational safety and health agencies for the issuance of guidance regarding occupational safety and health related to the public health emergency. This guidance shall

include, without limitation, any guidance on hazard assessment, hygiene, social distancing, identification and isolation of sick employees, return to work after illness or exposure, physical and administrative controls, workplace flexibility, training and anti-retaliation practices. Within 24 hours of the issuance of any such guidance, the citywide office of occupational safety and health shall deliver said guidance by electronic mail to the safety and health coordinator at each city agency.

c. Within 24 hours of receipt of any occupational safety and health guidance from the citywide office of occupational safety and health during a public health emergency, each safety and health coordinator shall:

1. Post such guidance in the workplace next to the poster required pursuant to section 801.47 of title 12 of the New York codes, rules and regulations;

2. Deliver such guidance by electronic mail to each employee of the city agency;

3. Prepare and deliver by electronic mail a summary of the guidance to each employee of the city agency. Such summary shall be tailored so as to highlight the guidance that is most relevant to employees holding a particular position, or a category of positions, within the city agency; and

4. Provide to each employee any education or training necessary to ensure the proper application of the latest guidance issued by the citywide office of occupational safety and health.

§ 3. This local law takes effect 90 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 28, 2021 and returned unsigned by the Mayor on March 1, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 23 of 2021, Council Int. No. 2162-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.