

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

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**No. 22**

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Introduced by Council Members Miller, Rosenthal, Louis, Rivera and Barron.

**A LOCAL LAW**

**In relation to establishing a board to review workplace health and safety guidance during the COVID-19 pandemic**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For the purposes of this local law, the following terms have the following meanings:

Agency. The term “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.

Board. The term “board” means the workplace health and safety guidance review board.

City. The term “city” means the city of New York.

COVID-19. The term “COVID-19” means disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Guidance. The term “guidance” means the workplace health and safety guidance that agencies have issued to municipal officers and employees and that private employers have issued to private employees during the pendency COVID-19 pandemic.

Private employee. The term “private employee” means a person who is employed by a private employer and works:

1. Remotely during the COVID-19 pandemic; or
2. At or for an essential business, as defined by the New York state department of economic development in accordance with executive order number 202.6 as issued by the governor of New York on March 18, 2020 and extended or amended thereafter.

Private employer. The term “private employer” means any person, company, corporation, labor organization or association that employs 10 or more persons.

§ 2. Workplace health and safety guidance review board. a. There shall be a workplace health and safety guidance review board. The board shall conduct two public hearings to hear testimony from employees and employers in the public and private sectors about policies and related health and safety protocols that have been implemented to address employee safety during the COVID-19 pandemic, how effectively the policies and protocols have been communicated to employees, how effectively employees have been trained in any mandatory protocols and any recommendations for improvements.

b. The board shall consist of the following 9 members, each of whom shall have demonstrated expertise relevant to the purpose and duties of the board:

1. The commissioners of health and mental hygiene, citywide administrative services, consumer and worker protection, and labor relations, or the designees thereof;
2. Two members appointed by the mayor;
3. Two members appointed by the speaker of the council, one of whom is a member of organized labor; and

4. One member appointed by the public advocate.

c. The mayor shall designate a chair from among the members of the board and an agency to provide administrative support.

d. The board may invite relevant experts and stakeholders, including, but not limited to, those representing public employers, uniformed and non-uniformed municipal employees, organized labor and private employers and employees in the construction, human services, nonprofit, healthcare, hospitality, retail and other industries, to attend its meetings and to otherwise provide testimony and information relevant to its duties.

e. All members shall be appointed no later than 30 days after the effective date of this local law. Vacancies in membership shall be filled in the same manner as the original appointment.

f. Each member of the board shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members shall serve without compensation.

g. The first meeting of the board shall be convened no later than 60 days after the effective date of this local law. At such meeting, the board shall determine the dates for the two public hearings.

h. The board shall publicly notice each hearing at least 30 days prior to it being held and shall conduct such public outreach as necessary to make relevant experts and stakeholders aware of the upcoming hearing.

i. All testimony from both public hearings shall be recorded and documented and its transcript made available to the mayor and the speaker of the council.

j. The board shall meet monthly to discuss the testimony given at each public hearing until it submits the final report required by subdivision k. Such meetings shall be open to the public. The

board shall keep a record of its deliberations and determine its rules of procedure.

k. Within 60 days of the first public hearing, the board shall submit a preliminary report to the mayor and the speaker of the council on findings from its public hearings as well as any preliminary recommendations to help public and private employers more effectively protect and inform employees during the COVID-19 pandemic. By December 15, 2021, the board shall submit a final report to the mayor and speaker of the council on final findings from both public hearings, as well as final and updated recommendations pertaining to the COVID-19 pandemic and recommendations on health and safety protocols for future public health emergencies.

l. The board shall terminate 180 days after the date on which it submits its final report, as required by subdivision k.

§ 3. This local law takes effect immediately.

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. 22 of 2021, Council Int. No. 2161-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.