



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2016 NYSAC Fall Seminar
Niagara County, New York**

**Standing Committee on
Public Employee Relations**

**Mary Krause (Ontario County) – Chair
Brayton Connor (Monroe County) – Vice Chair**

**2016 NYSAC Fall Seminar
NYSAC Standing Committee on Public Employee Relations
Resolution #1**

Resolution Calling for the Full Repeal of the New York State Scaffold Law or Reform to Include a Pure Standard of Comparative Negligence

WHEREAS, New York Labor Law §240 and §241, commonly known as the “Scaffold Law,” outlines liability for injuries caused by an employee’s fall from a height; and

WHEREAS, the laws impose strict liability on employers and owners of buildings if a worker falls from any height; and

WHEREAS, the law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

WHEREAS, the New York State Legislature did not implement any positive reform to the New York Scaffold Law in the 2016 legislative session; and

WHEREAS, the Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation; and

WHEREAS, the Scaffold Law is a boon to personal injury lawyers as half of the 30 largest law suits in the state stem from Scaffold Law issues, and while scaffold related injuries have decreased in the past 20 years the number of Scaffold Law claims has increased 500%; and

WHEREAS, New York is the only state in the country to impose a construction law like the Scaffold Law that imposes strict liability on the employer; further it is one of a very few laws that mandate strict liability in the State of New York; and

WHEREAS, the increase in costs in New York drives away investment in our infrastructure when developers and contractors can get better rates in neighboring states; and

WHEREAS, not only does the law drive away out-of-state investment in infrastructure but the lost investment to other states also serves to decrease the number of new construction jobs created every year, making it more difficult for many of New York’s skilled laborers to find appropriate employment; and

WHEREAS, this negligence standard under the Scaffold Law would not ban recovery for an injured worker due to their own negligence, but would allow the employer to bring issues with employee culpability to mitigate the damages in cases where the worker’s actions contributed to his or her injury; and

WHEREAS, federal regulations have been enacted that attempt to protect workers from injury due to falls by requiring certain precautions to be in place for people working at a height above the ground and allows an outlet for workers concerned about their safety to engage federal review of any worksite for compliance with these regulations.

NOW, THEREFORE, BE IT RESOLVED, that New York State of Association of Counties (NYSAC) is in support of Scaffold Law reform as well as meaningful protection of construction workers; and

BE IT FURTHER RESOLVED, that NYSAC supports the full repeal of the Scaffold Law or its modification to include a pure standard of comparative negligence; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

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Resolution #2**

**Resolution Calling on the State to Pay for Any Required Increases in Cost to
the Child Protective Service Program**

WHEREAS, late in the 2016 legislative session the Senate and the Assembly passed S.2691/A.10506; and

WHEREAS, this bill sets workload standards for child protective service providers requiring no more than fifteen active cases per month per full time child protective services worker; and

WHEREAS, child protective services are provided for and partially paid for by our county governments; and

WHEREAS, every county has unique challenges providing this service such as geography, population, economics, and demographics that make one statewide case-cap standard illogical; and

WHEREAS, due to the fact that each county has unique challenges, it is the county themselves and the county DSS commissioners that are best situated to understand and manage caseload assignment; and

WHEREAS, a one-sized standard case-cap does not address county fiscal needs for any increases in costs this cap would cause, nor recognize case severity and overnight needs, along with each case worker's experience and skill level; and

WHEREAS, counties cannot meet any new state unfunded mandates while maintaining the state-imposed property tax cap.

NOW, THEREFORE, BE IT RESOLVED, NYSAC calls on the Governor to veto S.2691/A.10506; and

BE IT FURTHER RESOLVED, NYSAC calls on the state to study the best possible way to provide the essential functions of child protective services and if part of any changes to the service require additional funding the state must meet that need; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.