

REGULATORY AGENDA

DEPARTMENT OF LABOR

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act, as amended by chapter 635 of the laws of 1995, notice is hereby provided of the following rules that the Department of Labor is considering proposing, but for which a rule making proceeding has not been commenced.

1. Amendment to Title 12 NYCRR Part 800 to incorporate by reference into New York Occupational Safety and Health standards those safety and health standards adopted by the United States Department of Labor Occupational Safety and Health Administration.

2. Amendment to Title 12 NYCRR Part 38 to conform the present version of the Part to new provisions contained in the 10 CFR Parts 20, 30, 34, 36, 40, 70 & 71, to correct errors in the existing Part, and to correctly reference the applicable section of the federal regulations.

3. Amendments to Title 12 NYCRR Parts 600 & 601 which will (a) add provisions which permit the Department to suspend and terminate programs for non-compliance; (b) permit sponsors in larger programs to charge application fees in limited circumstances; and (c) include technical amendments to both parts updating terminology now applicable.

4. Amendments to Title 12 NYCRR Parts 461 and 463 to address the issue of the timely filing of requests for hearings and notices of appeal in view of the Matter of Levine. The amendments would provide that requests for hearings and notices of appeal are timely as long as they are mailed or telefaxed to the Department within the statutory time limits.

5. Amendments to Title 12 NYCRR Part 56 to modify and clarify the requirements and procedures for the licensing and certification of asbestos workers and contractors and the notification of and procedures for asbestos projects.

6. Amendment to Title 12 NYCRR Part 4 and Part 14 to modify the frequency of inspection of certain boilers.

7. Addition of Part 551 to Title 12 NYCRR to implement regulations required by Chapter 601 of the Laws of 2002 that provide for the Department to promulgate regulations describing the form and content of the financial records required by Section 211-a of the Labor Law as well as advisory regulations to State entities relating to the implementation of contractual and administrative measures to enforce Section 211-a. The regulations would require employers that received funds appropriated by the State to establish and maintain financial records that demonstrate State funds were not spent on activities that either encouraged or discouraged union organization. The regulation also requires employers to certify compliance with Section 211-a as part of every State contract.

8. Amendment to Title 12 NYCRR Part 1300 to conform the present version of the Part to new provisions contained in Sections 335-b, 336 and 336-c of the Social Services Law to require social service districts

to consider certain non-graduate work study programs as approved work activities for public assistance recipients and to make reasonable efforts to avoid assigning certain students to public assistance work activities during hours that conflict with the student's academic schedule.

9. Amendment to Title 12 NYCRR Part 82 to increase several fee categories to ensure efficient administration, on-site inspections and issuances of certificates and licenses and to more accurately cover the current processing and inspection costs and expenses.

10. Addition to Title 12 NYCRR, Chapter II, Subchapter E, regarding the Child Performer Education & Trust Act as required by Chapter 630 of the Laws of 2003.

To obtain information or submit written comments regarding this regulatory agenda, contact: Diane Wallace Wehner, Legal Assistant II, Department of Labor, Bldg. 12, State Campus, Counsel's Office, Rm. 509, Albany, NY 12240, (518) 457-4380

