



Legislation Text

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Int. No. 1611

By Council Members Reynoso and Brannan

A Local Law to amend the administrative code of the city of New York, in relation to the review by the business integrity commission of certain permittees and applicants for permits and requiring labor unions representing employees of waste transfer stations to register with the business integrity commission

Be it enacted by the Council as follows:

Section 1. The first paragraph of section 16-131.1 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-131.1. Issuance, renewal, suspension and revocation of permits. The commissioner shall be responsible for the issuance, renewal, suspension and revocation of permits required by section 16-130 of this chapter. An application for such a permit and certain renewals of such a permit as specified pursuant to subdivisions c and c-1 of this section shall also be presented by the department to the New York city trade waste commission for review by such commission. The commissioner shall consider the recommendations of such commission in making a determination pursuant to this section.

§ 2. Subdivision c of section 16-131.1 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

c. [Where the commissioner or] In addition to providing the information required by the rules promulgated pursuant to paragraph 2 of subdivision a of section 16-131, each permittee or applicant for a permit shall:

1. comply with the fingerprinting requirements set forth in paragraph (i) of subdivision b of section 16-508;

2. provide to the trade waste commission and the commissioner all information required pursuant to paragraph (ii) of subdivision b and subdivision c of section 16-508, paragraphs (1), (2), (6), (7) and (8) of subdivision (a) of section 2-05, subdivision (c) of section 2-05 and section 5-07 of title 17 of the rules of the city of New York and any other rules of the New York city trade waste commission that such commission may designate or establish to apply to permittees or applicants for a permit;

3. comply with the requirements regarding its employees set forth in section 16-510; and

4. pay all applicable fees for such investigations set forth in the rules of the New York city trade waste commission.

c-1. At the time of the initial application for a permit required by section 16-130 and the renewal of such permit every second year thereafter, the New York city trade waste commission shall investigate and make an assessment of the good character, honesty and integrity of each applicant or permittee and shall deliver its recommendation to the commissioner. If, at any other time, the New York city trade waste commission has reasonable cause to believe that a permittee [or an applicant for a permit required by section 16-130 of this code] may lack good character, honesty and integrity, [such applicant or permittee shall, in addition to providing the information required by the rules promulgated pursuant to paragraph two of subdivision a of section 16-131 of this code, also comply with the fingerprinting and disclosure requirements set forth in subdivision b of section 16-508 of this code and pay the fee for the investigation thereof set forth in the rules of the New York city trade waste commission] the New York city trade waste commission shall deliver to the commissioner its assessment and the basis for such assessment. The commissioner may, after consideration of [the results of such investigation] the assessment, recommendation or information provided by the New York city trade waste commission, refuse for the reasons set forth in section 16-509 of this code to issue a permit required by section 16-130 of this chapter and, after notice and opportunity to be heard, may revoke or suspend any such permit upon a finding that the applicant or the permittee lacks good character, honesty and integrity.

§ 3. Section 16-503 of the administrative code of the city of New York, as amended by local law number

55 for the year 2019, is amended to read as follows:

§ 16-503 Functions. The commission shall be responsible for the licensing, registration and regulation of businesses that remove, collect or dispose of trade waste, trade waste brokers, and labor unions or labor organizations that represent or seek to represent employees directly involved in the collection, removal, receipt, transfer, transportation or disposal of trade waste.

§ 4. Subdivision j of section 16-504 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended to read as follows:

j. To issue and establish standards for the registration of labor unions or labor organizations representing or seeking to represent employees directly involved in the collection, removal, receipt, transfer, transportation or disposal of trade waste and for suspending or disqualifying officers of such unions or organizations.

§ 5. Subdivision c of section 16-505 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended to read as follows:

c. A labor union or labor organization representing or seeking to represent employees directly involved in the collection, removal, receipt, transfer, transportation or disposal of trade waste shall, within the time period prescribed by the commission, register with the commission and shall disclose information to the commission as the commission may by rule require, including but not limited to the names of all officers and agents of such union or organization; provided, however, that no labor union or labor organization shall be required to furnish information pursuant to this section which is already included in a report filed by such labor union or labor organization with the secretary of labor pursuant to 29 U.S.C. § 431, et seq., or § 1001, et seq., if a copy of such report, or of the portion thereof containing such information, is furnished to the commission; and provided further that this section shall not apply (i) to a labor union or labor organization representing or seeking to represent clerical or other office workers, or (ii) to affiliated national or international labor unions of local labor unions that are required to register pursuant to this provision.

§ 6. This local law takes effect 120 days after it becomes law, except that the department of sanitation

and the business integrity commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date, and except that section two of this local law shall not apply to any business that was issued a permit by the department of sanitation on or prior to such date until the next renewal of such permit.

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