

Warren County Board of Supervisors

RESOLUTION NO. 268 OF 2014

Resolution introduced by Supervisors Monroe, Girard, Sokol, Wood, Frasier, Westcott and Strough

SUPPORTING REFORMS TO NEW YORK LABOR LAW §240 AND §241 COMMONLY KNOWN AS THE “SCAFFOLD LAW”

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 the law imposes strict liability on employers and owners of buildings if a worker falls from any height, 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 elevated general liability insurance costs, 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, and 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 other states, and not only does the law drive away out-of-state investment and infrastructure, but the lost investment to other states also serves to decrease the number of new construction jobs created every year, making it difficult for many of New York’s skilled laborers to find appropriate employment, and

WHEREAS, comparative negligence standards would help maintain worker safety while decreasing some of the insurance costs related to implementation of the current Scaffold Law, and

WHEREAS, a comparative negligence standard under the Scaffold Law would not bar recovery for an injured worker due to their own negligence, but would allow the employer to introduce evidence of employee culpability to mitigate the damages in cases where the worker’s actions contribute to the injury, and

WHEREAS, federal regulations have been enacted that attempt to protect workers from injury to falls by requiring certain precautions to be in place for people working at height 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 the Warren County Board of Supervisors strongly supports meaningful protection

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of construction workers, and also 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 the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to forward copies of this resolution to the New York State Association of Counties; Governor Andrew M. Cuomo; Senator Elizabeth O’C. Little; and Assemblyman Daniel G. Stec.