

The Legislature of Rockland County



PHILIP SOSKIN
LEGISLATOR - DISTRICT 7
CHAIR, MULTI-SERVICES COMMITTEE

AGENDA
MULTI-SERVICES COMMITTEE
TUESDAY, JUNE 12, 2012
6:00 P.M.

ROLL CALL

ADOPTION OF THE MINUTES OF THE 5/30/12 MEETING

1. REF. #9486 - URGING THE NEW YORK STATE LEGISLATURE TO PASS BILLS A.6177/S.1685, AND A.6346C/S.4507B, THREE AUTO INSURANCE FRAUD PREVENTION BILLS
(HON. J. HOOD, JR., LEGISLATURE)

2. REF. #7621 - URGING THE NEW YORK STATE LEGISLATURE TO PASS BILLS A.4258 AND S.4289 – AN ACT TO AMEND THE LABOR LAW TO ESTABLISH A CIVIL CAUSE OF ACTION FOR EMPLOYEES WHO ARE SUBJECT TO AN ABUSIVE WORK ENVIRONMENT
(HON. F. SPARACO, LEGISLATURE)

3. REF. #2973 - APPROVING ADDITIONAL PURCHASES FROM BENDINER & SCHLESINGER, INC. FOR ALCOHOL/DRUG TESTING AND SCREENING SERVICES UNDER RFB-RC-2010-035 IN AN AMOUNT NOT TO EXCEED \$100,000 FOR THE PERIOD FROM JUNE 1, 2012 THROUGH MAY 31, 2013 AND FOR A TOTAL AMOUNT NOT TO EXCEED \$317,480.50 FOR THE FULL PERIOD FROM JUNE 1, 2010 THROUGH MAY 31, 2013 WITH TWO (2) REMAINING ONE (1) YEAR OPTIONS AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE CONTRACT AMENDMENT AND EXTENSION [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING] (\$317,480.50) **(G. WALSH, COMMISSIONER, DGS - PURCHASING)** [Back-up with Clerk]

"The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to creating an accessible environment for all. To request accommodations that you may require, please call Damaris Alvarez at 845-638-5248 (845-708-7899 for TTY/TDD). Please request these accommodations three (3) days in advance so that we can seek to meet your needs."

MS 6.12.AGA/PS

DRAFT

Introduced by:
Hon. Jay Hood, Jr., Sponsor

Referral No.
, 2012

RESOLUTION NO. OF 2012
URGING THE NEW YORK STATE LEGISLATURE TO PASS BILLS
A.6177/S.1685, AND A.6346C/S.4507B, THREE AUTO INSURANCE
FRAUD PREVENTION BILLS

WHEREAS, In New York, vehicles registered in the state are required to carry insurance that lets drivers and passengers obtain up to \$50,000 for accident injuries, regardless of fault. Automobile no-fault states have higher average premiums than tort states. One of the reasons for this is that fraud tends to be more prevalent in no-fault systems, as the rules under which they are implemented make it relatively easy for uncrupulous individuals to submit fraudulent claims. New York's generous no-fault benefits, with minimal oversight, provide huge incentives for fraud; and

WHEREAS, one type of fraudulent claim that is becoming more and more prevalent in New York state is the staged auto accident. These "accidents" are arranged and intentionally committed by criminals who then file fraudulent insurance claims for fake crash injuries, robbing insurance companies and their policy holders; and

WHEREAS, while the economic costs of such insurance fraud is staggering – *no-fault insurance fraud is estimated to cost insurance companies and their policy holders \$1 billion per year* – staged accidents also pose a serious public safety risk, as demonstrated by the case of Alice Ross, a 71 year old woman who was killed as a result of a staged accident. Women and elderly drivers are in particular danger because they are often targeted for these accidents, as they are less likely to be confrontational after an accident, thereby making it easier for criminals to engage in this activity; and

WHEREAS, Bills A.6177/S.1685 amends the Penal Law by making it a crime to stage a motor vehicle accident with intent to commit insurance fraud, and makes this felony crime punishable by up to seven years in prison; and

WHEREAS, Bills A9678/S.2004 amends the Penal Law by making it illegal to hire or act as a "runner" (a key member of auto fraud rings) who makes money by steering accident victims towards crooked doctors who bill Medicaid for unnecessary medical treatments, and makes the felony crime punishable by up to four years in prison; and

WHEREAS, Bills A.6346C/S.4507B amends the Vehicle and Traffic Law to allow insurance companies to retroactively cancel policies taken out by people who commit auto fraud. These criminals often take out policies and pay for them with bad checks or stolen credit cards just before they stage accidents. Under current law, insurance companies cannot cancel the policy and policyholders wind up paying for it through higher premiums. This bill would take that burden off honest consumers; and

WHEREAS, A.6177/S.1685, A9678/S.2004 and A.6346C/S.4507B would significantly cut down on auto insurance scams by increasing penalties for those who commit or assist in the fraud and give more flexibility to insurance companies to prevent such criminals from getting policies and continuing to commit auto fraud; and

WHEREAS, these three bills have already been passed by the New York State Senate and are pending in the New York State Assembly; and

WHEREAS, the _____ Committee has met, considered and by a _____ vote, approved this resolution; now therefore be it

RESOLVED, that the Rockland County Legislature hereby urges the New York State Legislature to pass A.6177/S.1685, A9678/S.2004 and A.6346C/S.4507B, three auto insurance fraud prevention bills, and urges the Governor to sign said legislation; and

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG3117
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5/29/12

S T A T E O F N E W Y O R K

6177

2011-2012 Regular Sessions

I N A S S E M B L Y

March 8, 2011

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to staging a motor vehicle accident

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. This act shall be known and may be cited as "Alice's Law".
 2 S 2. The penal law is amended by adding three new sections 176.75,
 3 176.80 and 176.85 to read as follows:
 4 S 176.75 STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD DEGREE.
 5 A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD
 6 DEGREE WHEN, WITH INTENT TO COMMIT A FRAUDULENT INSURANCE ACT, HE OR
 7 SHE:
 8 (1) OPERATES A MOTOR VEHICLE AND INTENTIONALLY CAUSES OR ATTEMPTS TO
 9 CAUSE A COLLISION INVOLVING A MOTOR VEHICLE; OR
 10 (2) SOLICITS, REQUESTS, COMMANDS, IMPORTUNES OR OTHERWISE ATTEMPTS TO
 11 CAUSE ANOTHER PERSON TO INTENTIONALLY CAUSE A COLLISION INVOLVING A
 12 MOTOR VEHICLE.
 13 STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD DEGREE IS A CLASS D
 14 FELONY.
 15 S 176.80 STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND DEGREE.
 16 A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND
 17 DEGREE WHEN HE OR SHE COMMITS THE OFFENSE OF STAGING A MOTOR VEHICLE
 18 ACCIDENT IN THE THIRD DEGREE, AND HAS BEEN PREVIOUSLY CONVICTED WITHIN
 19 THE PRECEDING FIVE YEARS OF ANY CRIME DEFINED IN THIS ARTICLE.
 20 STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND DEGREE IS A CLASS C
 21 FELONY.
 22 S 176.85 STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST DEGREE.
 23 A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST
 24 DEGREE WHEN HE OR SHE COMMITS THE OFFENSE OF STAGING A MOTOR VEHICLE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD05841-01-1

A. 6177

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- 1 ACCIDENT IN THE THIRD DEGREE AND CAUSES SERIOUS PERSONAL INJURY OR DEATH
 2 TO ANOTHER PERSON, OTHER THAN A PARTICIPANT IN SUCH OFFENSE.
 3 STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST DEGREE IS A CLASS B
 4 FELONY.
 5 S 3. This act shall take effect on the first of November next succeed-
 6 ing the date on which it shall have become a law.

S T A T E O F N E W Y O R K

9768

I N A S S E M B L Y

April 2, 2012

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the class E felony of unlawful procurement of clients, patients or customers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 176.00 of the penal law is amended by adding three
2 new subdivisions 6, 7 and 8 to read as follows:
3 6. "PROVIDER" MEANS AN ATTORNEY, A HEALTH CARE PROFESSIONAL, AN OWNER
4 OR OPERATOR OF A HEALTH CARE PRACTICE OR FACILITY, ANY PERSON WHO
5 CREATES THE IMPRESSION THAT HE OR SHE, OR HIS OR HER PRACTICE CAN
6 PROVIDE LEGAL OR HEALTH CARE SERVICES, OR ANY PERSON EMPLOYED OR ACTING
7 ON BEHALF OF ANY SUCH PERSON.
8 7. "PUBLIC MEDIA" MEANS TELEPHONE DIRECTORIES, PROFESSIONAL DIRECTO-
9 RIES, NEWSPAPERS AND OTHER PERIODICALS, RADIO AND TELEVISION, BILL-
10 BOARDS, AND MAILED OR ELECTRONICALLY TRANSMITTED WRITTEN COMMUNICATIONS
11 THAT DO NOT INVOLVE IN-PERSON CONTACT WITH A SPECIFIC PROSPECTIVE
12 CLIENT, PATIENT, OR CUSTOMER.
13 8. "RUNNER" MEANS A PERSON WHO, FOR A PECUNIARY BENEFIT, PROCURES OR
14 ATTEMPTS TO PROCURE A CLIENT, PATIENT OR CUSTOMER AT THE DIRECTION OF,
15 REQUEST OF OR IN COOPERATION WITH A PROVIDER WHEN SUCH PERSON KNOWS OR
16 HAS REASON TO KNOW THAT THE PURPOSE OF SUCH PROVIDER IS TO SEEK TO
17 FALSELY OR FRAUDULENTLY: OBTAIN BENEFITS UNDER A CONTRACT OF INSURANCE;
18 OR ASSERT A CLAIM AGAINST AN INSURED OR AN INSURANCE CARRIER FOR PROVID-
19 ING SERVICES TO THE CLIENT, PATIENT OR CUSTOMER. SUCH TERM SHALL NOT
20 INCLUDE A PERSON WHO PROCURES OR ATTEMPTS TO PROCURE CLIENTS, PATIENTS
21 OR CUSTOMERS FOR A PROVIDER THROUGH PUBLIC MEDIA OR A PERSON WHO REFERS
22 CLIENTS, PATIENTS OR CUSTOMERS AS AUTHORIZED BY LAW. NOTHING IN THIS
23 ARTICLE SHALL BE DEEMED TO PROHIBIT AN AGENT, BROKER OR EMPLOYEE OF A
24 HEALTH MAINTENANCE ORGANIZATION FROM SEEKING TO SELL HEALTH MAINTENANCE
25 ORGANIZATION COVERAGE OR HEALTH INSURANCE COVERAGE TO AN INDIVIDUAL OR
26 GROUP.
27 S 2. The penal law is amended by adding a new section 176.75 to read
28 as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD06170-01-1

A. 9768

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1 S 176.75 UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS.
2 A PERSON IS GUILTY OF UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR
3 CUSTOMERS WHEN, HE OR SHE KNOWINGLY:
4 1. ACTS AS A RUNNER; OR
5 2. USES, SOLICITS, DIRECTS, HIRES OR EMPLOYS ANOTHER PERSON TO ACT AS
6 A RUNNER.
7 UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS IS A CLASS E
8 FELONY.
9 S 3. This act shall take effect on the first of November next succeed-
10 ing the date on which it shall have become a law.

S T A T E O F N E W Y O R K

6346--C

2011-2012 Regular Sessions

I N A S S E M B L Y

March 15, 2011

Introduced by M. of A. HEASTIE, CAMARA, P. RIVERA, REILLY, CYMBROWITZ, GIBSON, DINOWITZ, ZEBROWSKI, LOSQUADRO -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, CERETTO, CRESPO, CROUCH, GALEF, GLICK, GUNTHER, HIKIND, HOOPER, MAISEL, McDONOUGH, McLAUGHLIN, MONTESANO, OAKS, PRETLOW, RAIA, SCARBOROUGH, STEVENSON, TITONE, WEISENBERG -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the vehicle and traffic law, in relation to permitting an insurer to rescind or retroactively cancel a policy in certain circumstances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The insurance law is amended by adding a new section 3455
2 to read as follows:
3 S 3455. CANCELLATION OF POLICY. (A) AN INSURER MAY, WITHIN THE FIRST
4 SIXTY DAYS, RESCIND OR RETROACTIVELY CANCEL TO THE INCEPTION OF THE
5 POLICY, A NEWLY ISSUED COVERED POLICY SUBJECT TO SUBSECTION (A) OF
6 SECTION THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OF THIS ARTICLE OR A
7 NEWLY ISSUED COMMERCIAL AUTOMOBILE INSURANCE POLICY SUBJECT TO SECTION
8 THREE THOUSAND FOUR HUNDRED TWENTY-SIX OF THIS ARTICLE, IF THE INITIAL
9 PREMIUM PAYMENT IS NOT HONORED BY A FINANCIAL INSTITUTION DUE TO
10 NON-SUFFICIENT FUNDS, THE NONEXISTENCE OF A BANK ACCOUNT OR THE UNAU-
11 THORIZED USE OF THE ACCOUNT. IN THE EVENT THAT SUCH INITIAL PAYMENT IS
12 NOT HONORED BY A FINANCIAL INSTITUTION DUE TO NON-SUFFICIENT FUNDS IN AN
13 EXISTING ACCOUNT THAT THE POLICYHOLDER IS AUTHORIZED TO USE, THE INSURER
14 SHALL NOTIFY THE POLICYHOLDER THAT UNLESS THE POLICYHOLDER REMITS A
15 CHECK CERTIFIED PURSUANT TO SECTION 3-411 OF THE UNIFORM COMMERCIAL

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 CODE, ALONG WITH ANY FEES ACCESSED FOR NON-SUFFICIENT FUNDS, TO THE
2 INSURER WITHIN TEN DAYS, THE POLICY MAY BE RESCINDED OR CANCELLED
3 RETROACTIVELY TO THE INCEPTION OF THE POLICY.
4 (B) A PERSON WHO IS INJURED DURING THIS PERIOD SHALL HAVE RECOURSE TO
5 HIS OR HER OWN POLICY, SUBJECT TO THE TERMS AND CONDITIONS OF THE
6 CONTRACT, OR THE MOTOR VEHICLE ACCIDENT INDEMNIFICATION CORPORATION,
7 PROVIDED SUCH PERSON DID NOT PARTICIPATE IN ANY FRAUDULENT ACTIVITY,
8 INCLUDING, BUT NOT LIMITED TO, A STAGED OR CAUSED ACCIDENT. THE MOTOR

9 VEHICLE ACCIDENT INDEMNIFICATION CORPORATION MAY NOT SUBROGATE ITS CLAIM
10 AGAINST THE RESCINDING INSURER.

11 S 2. Paragraph 2 of subsection (d) of section 3420 of the insurance
12 law, as amended by chapter 388 of the laws of 2008, is amended to read
13 as follows:

14 (2) If under a liability policy issued or delivered in this state, an
15 insurer shall disclaim liability [or], deny coverage, OR RESCIND COVER-
16 AGE PURSUANT TO SECTION THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THIS
17 ARTICLE, for death or bodily injury arising out of a motor vehicle acci-
18 dent, INCLUDING ANY CLAIM FOR PERSONAL INJURIES UNDER AN UNINSURED
19 MOTORIST ENDORSEMENT BY ANY OCCUPANT OF A MOTOR VEHICLE OR OTHER PERSON
20 INVOLVED IN A STAGED OR ARRANGED ACCIDENT WHO IS WITHOUT KNOWLEDGE OF
21 THE STAGING OR ARRANGING OF THE ACCIDENT, or any other type of accident
22 occurring within this state, it shall give written notice as soon as is
23 reasonably possible of such disclaimer of liability or denial of cover-
24 age to the insured and the injured person or any other claimant.

25 S 3. Paragraph 1 of subsection (f) of section 3420 of the insurance
26 law, as amended by chapter 305 of the laws of 1995, is amended to read
27 as follows:

28 (1) No policy insuring against loss resulting from liability imposed
29 by law for bodily injury or death suffered by any natural person arising
30 out of the ownership, maintenance and use of a motor vehicle by the
31 insured shall be issued or delivered by any authorized insurer upon any
32 motor vehicle then principally garaged or principally used in this state
33 unless it contains a provision whereby the insurer agrees that it will
34 pay to the insured, as defined in such provision, subject to the terms
35 and conditions set forth therein to be prescribed by the board of direc-
36 tors of the Motor Vehicle Accident Indemnification Corporation and
37 approved by the superintendent, all sums, not exceeding a maximum amount
38 or limit of twenty-five thousand dollars exclusive of interest and
39 costs, on account of injury to and all sums, not exceeding a maximum
40 amount or limit of fifty thousand dollars exclusive of interest and
41 costs, on account of death of one person, in any one accident, and the
42 maximum amount or limit, subject to such limit for any one person so
43 injured of fifty thousand dollars or so killed of one hundred thousand
44 dollars, exclusive of interest and costs, on account of injury to, or
45 death of, more than one person in any one accident, which the insured or
46 his legal representative shall be entitled to recover as damages from an
47 owner or operator of an uninsured motor vehicle, unidentified motor
48 vehicle which leaves the scene of an accident, a motor vehicle regis-
49 tered in this state as to which at the time of the accident there was
50 not in effect a policy of liability insurance, A MOTOR VEHICLE FOR WHICH
51 THE POLICY OF INSURANCE HAS BEEN RESCINDED OR CANCELLED PURSUANT TO
52 SECTION THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THIS ARTICLE, a stolen
53 vehicle, A MOTOR VEHICLE INVOLVED IN AN INTENTIONAL AND/OR FRAUDULENT
54 AND/OR STAGED ACCIDENT, EXCEPT SUCH VEHICLE OR THOSE VEHICLES OWNED
55 AND/OR OPERATED BY THE PERPETRATOR OR PERPETRATORS OF THE INTENTIONAL
56 AND/OR FRAUDULENT AND/OR STAGED ACCIDENT, a motor vehicle operated with-
A. 6346--C 3

1 out permission of the owner, an insured motor vehicle where the insurer
2 disclaims liability or denies coverage or an unregistered vehicle
3 because of bodily injury, sickness or disease, including death resulting
4 therefrom, sustained by the insured, caused by accident occurring in
5 this state and arising out of the ownership, maintenance or use of such
6 motor vehicle. No payment for non-economic loss shall be made under such
7 policy provision to a covered person unless such person has incurred a
8 serious injury, as such terms are defined in section five thousand one
9 hundred two of this chapter. Such policy shall not duplicate any element
10 of basic economic loss provided for under article fifty-one of this

11 chapter. No payments of first party benefits for basic economic loss
 12 made pursuant to such article shall diminish the obligations of the
 13 insurer under this policy provision for the payment of non-economic loss
 14 and economic loss in excess of basic economic loss. Notwithstanding any
 15 inconsistent provisions of section three thousand four hundred twenty-
 16 five of this article, any such policy which does not contain the afore-
 17 said provisions shall be construed as if such provisions were embodied
 18 therein.

19 S 4. Subparagraph (A) of paragraph 2 of subsection (f) of section 3420
 20 of the insurance law, as separately amended by chapters 547 and 568 of
 21 the laws of 1997, is amended to read as follows:

22 (A) Any such policy shall, at the option of the insured, also provide
 23 supplementary uninsured/underinsured motorists insurance for bodily
 24 injury, in an amount up to the bodily injury liability insurance limits
 25 of coverage provided under such policy, subject to a maximum of two
 26 hundred fifty thousand dollars because of bodily injury to or death of
 27 one person in any one accident and, subject to such limit for one
 28 person, up to five hundred thousand dollars because of bodily injury to
 29 or death of two or more persons in any one accident, or a combined
 30 single limit policy of five hundred thousand dollars because of bodily
 31 injury to or death of one or more persons in any one accident. Provided
 32 however, an insurer issuing such policy, in lieu of offering to the
 33 insured the coverages stated above, may provide supplementary
 34 uninsured/underinsured motorists insurance for bodily injury, in an
 35 amount up to the bodily injury liability insurance limits of coverage
 36 provided under such policy, subject to a maximum of one hundred thousand
 37 dollars because of bodily injury to or death of one person in any one
 38 accident and, subject to such limit for one person, up to three hundred
 39 thousand dollars because of bodily injury to or death of two or more
 40 persons in any one accident, or a combined single limit policy of three
 41 hundred thousand dollars because of bodily injury to or death of one or
 42 more persons in any one accident, if such insurer also makes available a
 43 personal umbrella policy with liability coverage limits up to at least
 44 five hundred thousand dollars which also provides coverage for supple-
 45 mentary uninsured/underinsured motorists claims. Supplementary
 46 uninsured/underinsured motorists insurance shall provide coverage, in
 47 any state or Canadian province, if the limits of liability under all
 48 bodily injury liability bonds and insurance policies of another motor
 49 vehicle liable for damages INCLUDING BUT NOT LIMITED TO A VEHICLE FOR
 50 WHICH THE POLICY OF INSURANCE HAS BEEN RESCINDED OR CANCELLED PURSUANT
 51 TO SECTION THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THIS ARTICLE, A
 52 MOTOR VEHICLE INVOLVED IN AN INTENTIONAL AND/OR FRAUDULENT AND/OR STAGED
 53 ACCIDENT, EXCEPT THAT VEHICLE OR THOSE VEHICLES OWNED AND/OR OPERATED BY
 54 THE PERPETRATOR OR PERPETRATORS OF THE INTENTIONAL AND/OR FRAUDULENT
 55 AND/OR STAGED ACCIDENT, are in a lesser amount than the bodily injury
 56 liability insurance limits of coverage provided by such policy. Upon
 A. 6346--C

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1 written request by any insured covered by supplemental
 2 uninsured/underinsured motorists insurance or his duly authorized repre-
 3 sentative and upon disclosure by the insured of the insured's bodily
 4 injury and supplemental uninsured/underinsured motorists insurance
 5 coverage limits, the insurer of any other owner or operator of another
 6 motor vehicle against which a claim has been made for damages to the
 7 insured shall disclose, within forty-five days of the request, the bodi-
 8 ly injury liability insurance limits of its coverage provided under the
 9 policy or all bodily injury liability bonds. The time of the insured to
 10 make any supplementary uninsured/underinsured motorist claim, shall be
 11 tolled during the period the insurer of any other owner or operator of
 12 another motor vehicle that may be liable for damages to the insured,

13 fails to so disclose its coverage. As a condition precedent to the obli-
 14 gation of the insurer to pay under the supplementary
 15 uninsured/underinsured motorists insurance coverage, the limits of
 16 liability of all bodily injury liability bonds or insurance policies
 17 applicable at the time of the accident shall be exhausted by payment of
 18 judgments or settlements.

19 S 5. Paragraph 1 of subsection (b) of section 5103 of the insurance
 20 law is amended to read as follows:

21 (1) Intentionally causes his own injury, EXCEPT ANY OCCUPANT OF A
 22 MOTOR VEHICLE OR OTHER PERSON INVOLVED IN AN INTENTIONAL AND/OR STAGED
 23 AND/OR FRAUDULENT ACCIDENT WHO IS WITHOUT KNOWLEDGE OF THE STAGING OR
 24 ARRANGING OF THE ACCIDENT.

25 S 6. Paragraph 2 of subsection (a) of section 5103 of the insurance
 26 law is amended to read as follows:

27 (2) The named insured and members of his household, other than occu-
 28 pants of a motorcycle, for loss arising out of the use or operation of
 29 (i) an uninsured motor vehicle or motorcycle, OR A VEHICLE WHOSE COVER-
 30 AGE IS RESCINDED OR CANCELLED PURSUANT TO SECTION THREE THOUSAND FOUR
 31 HUNDRED FIFTY-FIVE OF THIS CHAPTER, within the United States, its terri-
 32 tories or possessions, or Canada; and (ii) an insured motor vehicle or
 33 motorcycle outside of this state and within the United States, its
 34 territories or possessions, or Canada.

35 S 7. Paragraph (a) of subdivision 1 of section 313 of the vehicle and
 36 traffic law, as amended by chapter 569 of the laws of 1981, is amended
 37 to read as follows:

38 (a) [No] EXCEPT AS PROVIDED FOR IN SECTION THREE THOUSAND FOUR HUNDRED
 39 FIFTY-FIVE OF THE INSURANCE LAW, NO contract of insurance for which a
 40 certificate of insurance has been filed with the commissioner shall be
 41 terminated by cancellation by the insurer until at least twenty days
 42 after mailing to the named insured at the address shown on the policy a
 43 notice of termination by regular mail, with a certificate of mailing,
 44 properly endorsed by the postal service to be obtained, except where the
 45 cancellation is for non-payment of premium in which case fifteen days
 46 notice of cancellation by the insurer shall be sufficient, provided,
 47 however, if another insurance contract has been procured, such other
 48 insurance contract shall, as of its effective date and hour, terminate
 49 the insurance previously in effect with respect to any motor vehicles
 50 designated in both contracts. No contract of insurance for which a
 51 certificate of insurance has been filed with the commissioner in which a
 52 natural person is the named insured and the motor vehicle is used
 53 predominantly for non-business purposes shall be non-renewed by an
 54 insurer unless at least forty-five, but not more than sixty days in
 55 advance of the renewal date the insurer mails or delivers to the named
 56 insured at the address shown on the policy a written notice of its

A. 6346--C

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1 intention not to renew. No such contract of insurance in which the named
 2 insured is not a natural person or the motor vehicle is used predomi-
 3 nantly for business purposes shall be non-renewed by an insurer unless
 4 at least twenty days in advance of the renewal date the insurer mails or
 5 delivers to the named insured at the address shown on the policy a writ-
 6 ten notice of its intention not to renew. All notices of non-renewal
 7 shall be sent by regular mail with a certificate of mailing, properly
 8 endorsed by the postal service to be obtained. Time of the effective
 9 date and hour of termination stated in the notice shall become the end
 10 of the policy period. Every notice or acknowledgement of termination for
 11 any cause whatsoever sent to the insured shall include in type of which
 12 the face shall not be smaller than twelve point a statement that proof
 13 of financial security is required to be maintained continuously through-
 14 out the registration period and a notice prescribed by the commissioner

15 indicating the punitive effects of failure to maintain continuous proof
16 of financial security and actions which may be taken by the insured to
17 avoid such punitive effects.
18 § 8. This act shall take effect immediately.

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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5/21/12



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Bill No.:

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A04258 Text:

S T A T E O F N E W Y O R K

4258

2011-2012 Regular Sessions

I N A S S E M B L Y

February 2, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing a private cause of action for an abusive work environment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The labor law is amended by adding a new article 20-D to
2 read as follows:

ARTICLE 20-D

ABUSIVE WORK ENVIRONMENT

5 SECTION 760. LEGISLATIVE FINDINGS AND INTENT.

- 6 761. DEFINITIONS.
- 7 762. ABUSIVE WORK ENVIRONMENT.
- 8 763. EMPLOYER LIABILITY.
- 9 764. DEFENSES.
- 10 765. RETALIATION.
- 11 766. REMEDIES.
- 12 767. ENFORCEMENT.
- 13 768. EFFECT ON COLLECTIVE BARGAINING AGREEMENTS.
- 14 769. EFFECT OF OTHER LAWS.

15 S 760. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE HEREBY FINDS
16 THAT THE SOCIAL AND ECONOMIC WELL-BEING OF THE STATE IS DEPENDENT UPON
17 HEALTHY AND PRODUCTIVE EMPLOYEES. SURVEYS AND STUDIES HAVE DOCUMENTED
18 THAT BETWEEN SIXTEEN AND TWENTY-ONE PERCENT OF EMPLOYEES DIRECTLY EXPERIENCE
19 HEALTH ENDANGERING WORKPLACE BULLYING, ABUSE AND HARASSMENT. THESE
20 SUCH BEHAVIOR IS FOUR TIMES MORE PREVALENT THAN SEXUAL HARASSMENT. THESE
21 SURVEYS AND STUDIES HAVE FURTHER FOUND THAT ABUSIVE WORK ENVIRONMENTS
22 CAN HAVE SERIOUS EFFECTS ON THE TARGETED EMPLOYEES, INCLUDING FEELINGS
23 OF SHAME AND HUMILIATION, STRESS, LOSS OF SLEEP, SEVERE ANXIETY,
24 DEPRESSION, POST-TRAUMATIC STRESS DISORDER, REDUCED IMMUNITY TO
25 INFECTION, STRESS-RELATED GASTROINTESTINAL DISORDERS, HYPERTENSION, AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 PATHOPHYSIOLOGIC CHANGES THAT INCREASE THE RISK OF CARDIOVASCULAR
2 DISEASES.

3 FURTHERMORE, THE LEGISLATURE FINDS THAT ABUSIVE WORK ENVIRONMENTS CAN
4 HAVE SERIOUS CONSEQUENCES FOR EMPLOYERS, INCLUDING REDUCED EMPLOYEE
5 PRODUCTIVITY AND MORALE, HIGHER TURNOVER AND ABSENTEEISM RATES, AND
6 SIGNIFICANT INCREASES IN MEDICAL AND WORKERS' COMPENSATION CLAIMS.

7 THE LEGISLATURE HEREBY FINDS THAT UNLESS MISTREATED EMPLOYEES HAVE
8 BEEN SUBJECTED TO ABUSIVE TREATMENT IN THE WORKPLACE ON THE BASIS OF
9 RACE, COLOR, SEX, NATIONAL ORIGIN OR AGE, SUCH EMPLOYEES ARE UNLIKELY TO
10 HAVE LEGAL RECOURSE TO REDRESS SUCH TREATMENT.

11 THE LEGISLATURE HEREBY DECLARES THAT LEGAL PROTECTION FROM ABUSIVE
12 WORK ENVIRONMENTS SHOULD NOT BE LIMITED TO BEHAVIOR GROUNDED IN A
13 PROTECTED CLASS STATUS AS REQUIRED BY EMPLOYMENT DISCRIMINATION STAT-
14 UTES. EXISTING WORKERS' COMPENSATION PROVISIONS AND COMMON LAW TORT LAW
15 ARE INADEQUATE TO DISCOURAGE SUCH ABUSIVE CONDUCT AND PROVIDE ADEQUATE
16 REDRESS TO EMPLOYEES WHO HAVE BEEN HARMED BY ABUSIVE WORK ENVIRONMENTS.

17 THE PURPOSE OF THIS ARTICLE SHALL BE TO PROVIDE LEGAL REDRESS FOR
18 EMPLOYEES WHO HAVE BEEN HARMED PSYCHOLOGICALLY, PHYSICALLY OR ECONOM-
19 ICALLY BY BEING DELIBERATELY SUBJECTED TO ABUSIVE WORK ENVIRONMENTS; AND
20 TO PROVIDE LEGAL INCENTIVES FOR EMPLOYERS TO PREVENT AND RESPOND TO
21 MISTREATMENT OF EMPLOYEES AT WORK.

22 S 761. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL
23 HAVE THE FOLLOWING MEANINGS:

24 1. "ABUSIVE CONDUCT" MEANS CONDUCT, WITH MALICE, TAKEN AGAINST AN
25 EMPLOYEE BY AN EMPLOYER OR ANOTHER EMPLOYEE IN THE WORKPLACE, THAT A
26 REASONABLE PERSON WOULD FIND TO BE HOSTILE, OFFENSIVE AND UNRELATED TO
27 THE EMPLOYER'S LEGITIMATE BUSINESS INTERESTS. IN CONSIDERING WHETHER
28 SUCH CONDUCT IS OCCURRING, THE TRIER OF FACT SHOULD WEIGH THE SEVERITY,
29 NATURE AND FREQUENCY OF THE CONDUCT. ABUSIVE CONDUCT SHALL INCLUDE, BUT
30 NOT BE LIMITED TO, REPEATED INFLECTION OF VERBAL ABUSE, SUCH AS THE USE
31 OF DEROGATORY REMARKS, INSULTS AND EPITHETS; VERBAL OR PHYSICAL CONDUCT
32 THAT A REASONABLE PERSON WOULD FIND THREATENING, INTIMIDATING OR HUMILI-
33 ATING; OR THE GRATUITOUS SABOTAGE OR UNDERMINING OF AN EMPLOYEE'S WORK
34 PERFORMANCE. A SINGLE ACT SHALL NOT CONSTITUTE ABUSIVE CONDUCT, UNLESS
35 THE TRIER OF FACT FINDS SUCH ACT TO BE ESPECIALLY SEVERE OR EGREGIOUS.

36 2. "ABUSIVE WORK ENVIRONMENT" MEANS A WORKPLACE IN WHICH AN EMPLOYEE
37 IS SUBJECTED TO ABUSIVE CONDUCT THAT IS SO SEVERE THAT IT CAUSES PHYS-
38 ICAL OR PSYCHOLOGICAL HARM TO SUCH EMPLOYEE, AND WHERE SUCH EMPLOYEE
39 PROVIDES NOTICE TO THE EMPLOYER THAT SUCH EMPLOYEE HAS BEEN SUBJECTED TO
40 ABUSIVE CONDUCT AND SUCH EMPLOYER AFTER RECEIVING NOTICE THEREOF, FAILS
41 TO ELIMINATE THE ABUSIVE CONDUCT.

42 3. "CONDUCT" MEANS ALL FORMS OF BEHAVIOR, INCLUDING ACTS AND OMISSIONS
43 TO ACT.

44 4. "CONSTRUCTIVE DISCHARGE" MEANS ABUSIVE CONDUCT AGAINST AN EMPLOYEE
45 THAT CAUSES SUCH EMPLOYEE TO RESIGN FROM HIS OR HER EMPLOYMENT.

46 5. "MALICE" MEANS THE INTENT TO CAUSE ANOTHER PERSON TO SUFFER PSYCHO-
47 LOGICAL, PHYSICAL OR ECONOMIC HARM, WITHOUT LEGITIMATE CAUSE OR JUSTI-
48 FICATION. MALICE MAY BE INFERRED FROM THE PRESENCE OF FACTORS SUCH AS
49 OUTWARD EXPRESSIONS OF HOSTILITY, HARMFUL CONDUCT INCONSISTENT WITH AN
50 EMPLOYER'S LEGITIMATE BUSINESS INTERESTS, A CONTINUATION OF HARMFUL AND
51 ILLEGITIMATE CONDUCT AFTER A COMPLAINANT REQUESTS THAT IT CEASE OR
52 DISPLAYS OUTWARD SIGNS OF EMOTIONAL OR PHYSICAL DISTRESS IN THE FACE OF
53 THE CONDUCT, OR ATTEMPTS TO EXPLOIT THE COMPLAINANT'S KNOWN PSYCHOLOG-
54 ICAL OR PHYSICAL VULNERABILITY.

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1 6. "NEGATIVE EMPLOYMENT DECISION" MEANS A TERMINATION, CONSTRUCTIVE
2 DISCHARGE, DEMOTION, UNFAVORABLE REASSIGNMENT, REFUSAL TO PROMOTE OR
3 DISCIPLINARY ACTION.

4 7. "PHYSICAL HARM" MEANS THE MATERIAL IMPAIRMENT OF A PERSON'S PHYS-
5 ICAL HEALTH OR BODILY INTEGRITY, AS DOCUMENTED BY A COMPETENT PHYSICIAN
6 OR SUPPORTED BY COMPETENT EXPERT EVIDENCE AT TRIAL.

7 8. "PSYCHOLOGICAL HARM" MEANS THE MATERIAL IMPAIRMENT OF A PERSON'S
8 MENTAL HEALTH, AS DOCUMENTED BY A COMPETENT PHYSICIAN OR SUPPORTED BY
9 COMPETENT EXPERT EVIDENCE AT TRIAL.

10 S 762. ABUSIVE WORK ENVIRONMENT. IT SHALL BE UNLAWFUL TO SUBJECT AN
11 EMPLOYEE TO AN ABUSIVE WORK ENVIRONMENT.

12 S 763. EMPLOYER LIABILITY. AN EMPLOYER SHALL BE CIVILLY LIABLE FOR THE
13 EXISTENCE OF AN ABUSIVE WORK ENVIRONMENT WITHIN ANY WORKPLACE UNDER ITS

14 CONTROL.

15 S 764. DEFENSES. 1. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A CAUSE OF
16 ACTION FOR ABUSIVE WORK ENVIRONMENT, THAT THE EMPLOYER EXERCISED REASON-
17 ABLE CARE TO PREVENT AND PROMPTLY CORRECT THE ABUSIVE CONDUCT WHICH IS
18 THE BASIS OF SUCH CAUSE OF ACTION AND THE PLAINTIFF UNREASONABLY FAILED
19 TO TAKE ADVANTAGE OF THE APPROPRIATE PREVENTIVE OR CORRECTIVE OPPORTU-
20 NITIES PROVIDED BY SUCH EMPLOYER. SUCH AFFIRMATIVE DEFENSE SHALL NOT BE
21 AVAILABLE TO AN EMPLOYER WHEN THE ABUSIVE CONDUCT CULMINATES IN A NEGA-
22 TIVE EMPLOYMENT DECISION WITH REGARD TO THE PLAINTIFF.

23 2. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A CAUSE OF ACTION FOR ABUSIVE
24 WORK ENVIRONMENT, THAT THE EMPLOYER MADE A NEGATIVE EMPLOYMENT DECISION
25 WITH REGARD TO THE PLAINTIFF WHICH IS CONSISTENT WITH SUCH EMPLOYER'S
26 LEGITIMATE BUSINESS INTERESTS, SUCH AS TERMINATION OR DEMOTION BASED ON
27 THE PLAINTIFF'S POOR PERFORMANCE OR THE COMPLAINT IS BASED PRIMARILY
28 UPON THE EMPLOYER'S REASONABLE INVESTIGATION OF POTENTIALLY DANGEROUS,
29 ILLEGAL OR UNETHICAL ACTIVITY.

30 S 765. RETALIATION. ANY RETALIATORY ACTION AGAINST ANY EMPLOYEE ALLEG-
31 ING A VIOLATION OF THIS ARTICLE SHALL BE DEEMED TO BE A RETALIATORY
32 PERSONNEL ACTION AS PROHIBITED BY SECTION SEVEN HUNDRED FORTY OF THIS
33 CHAPTER.

34 S 766. REMEDIES. 1. WHERE A DEFENDANT HAS BEEN FOUND TO HAVE ENGAGED
35 IN ABUSIVE CONDUCT, OR CAUSED OR MAINTAINED AN ABUSIVE WORK ENVIRONMENT,
36 THE COURT MAY ENJOIN SUCH DEFENDANT FROM ENGAGING IN SUCH ILLEGAL ACTIV-
37 ITY AND MAY ORDER ANY OTHER RELIEF THAT IS APPROPRIATE INCLUDING, BUT
38 NOT LIMITED TO, REINSTATEMENT, REMOVAL OF THE OFFENDING PARTY FROM THE
39 PLAINTIFF'S WORK ENVIRONMENT, REIMBURSEMENT FOR LOST WAGES, MEDICAL
40 EXPENSES, COMPENSATION FOR EMOTIONAL DISTRESS, PUNITIVE DAMAGES AND
41 ATTORNEY FEES.

42 2. WHERE AN EMPLOYER HAS BEEN FOUND TO HAVE CAUSED OR MAINTAINED AN
43 ABUSIVE WORK ENVIRONMENT THAT DID NOT RESULT IN A NEGATIVE EMPLOYMENT
44 DECISION, SUCH EMPLOYER'S LIABILITY FOR DAMAGES FOR EMOTIONAL DISTRESS
45 SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS AND SHALL HAVE NO LIABIL-
46 ITY FOR PUNITIVE DAMAGES. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT
47 APPLY TO ANY EMPLOYEE WHO ENGAGES IN ABUSIVE CONDUCT.

48 S 767. ENFORCEMENT. 1. THE PROVISIONS OF THIS ARTICLE ARE ENFORCEABLE
49 BY MEANS OF A CIVIL CAUSE OF ACTION COMMENCED BY AN INJURED EMPLOYEE.

50 2. NOTWITHSTANDING THE PROVISIONS OF THE CIVIL PRACTICE LAW AND RULES,
51 AN ACTION TO ENFORCE THE PROVISIONS OF THIS ARTICLE SHALL BE COMMENCED
52 WITHIN ONE YEAR OF THE LAST ABUSIVE CONDUCT WHICH IS THE BASIS OF THE
53 ALLEGATION OF ABUSIVE WORK ENVIRONMENT.

54 S 768. EFFECT ON COLLECTIVE BARGAINING AGREEMENTS. THIS ARTICLE SHALL
55 NOT PREVENT, INTERFERE, EXEMPT OR SUPERSEDE ANY CURRENT PROVISIONS OF AN
56 EMPLOYEE'S EXISTING COLLECTIVE BARGAINING AGREEMENT WHICH PROVIDES
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1 GREATER RIGHTS AND PROTECTIONS THAN PRESCRIBED IN THIS ARTICLE NOR SHALL
2 THIS ARTICLE PREVENT ANY NEW PROVISIONS OF THE COLLECTIVE BARGAINING
3 AGREEMENT WHICH PROVIDE GREATER RIGHTS AND PROTECTIONS FROM BEING IMPE-
4 MENTED AND APPLICABLE TO SUCH EMPLOYEE WITHIN SUCH COLLECTIVE BARGAINING
5 AGREEMENT. WHERE THE COLLECTIVE BARGAINING AGREEMENT PROVIDES GREATER
6 RIGHTS AND PROTECTIONS THAN PRESCRIBED IN THIS ARTICLE, THE RECOGNIZED
7 COLLECTIVE BARGAINING AGENT MAY OPT TO ACCEPT OR REJECT TO BE COVERED BY
8 THE PROVISIONS OF THIS ARTICLE.

9 S 769. EFFECT OF OTHER LAWS. 1. NO PROVISION OF THIS ARTICLE SHALL BE
10 DEEMED TO EXEMPT ANY PERSON OR ENTITY FROM ANY LIABILITY, DUTY OR PENAL-
11 TY PROVIDED BY ANY OTHER STATE LAW, RULE OR REGULATION.

12 2. THE REMEDIES OF THIS ARTICLE SHALL BE GRANTED IN ADDITION TO ANY
13 COMPENSATION AVAILABLE PURSUANT TO THE WORKERS' COMPENSATION LAW;
14 PROVIDED, HOWEVER, THAT NO PERSON WHO HAS COLLECTED WORKERS' COMPEN-
15 SATION BENEFITS FOR CONDITIONS ARISING OUT OF AN ABUSIVE WORK ENVIRON-
16 MENT, SHALL BE AUTHORIZED TO COMMENCE A CAUSE OF ACTION PURSUANT TO THIS
17 ARTICLE FOR THE SAME SUCH CONDITIONS.

18 S 2. This act shall take effect immediately, and shall apply to
19 abusive conduct occurring on or after such date.

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exceed \$317,480 for the full period from June 1, 2010 through May 31, 2013, with two (2) remaining one (1) year option terms; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Budgets of the Departments of Mental Health, Probation and Social Services subject to available intra-departmental transfers and is contingent upon 2013 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution; now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the additional purchases in excess of \$100,000 from Bendiner & Schlesinger, Inc., 140 58th Street, Suite 8D, Brooklyn, New York 11220, for Alcohol/Drug Testing and Screening Services under RFB-RC-2010-035 for the Departments of Mental Health, Probation and Social Services and other County Departments, as needed, in an amount not to exceed \$100,000 for the period from June 1, 2012 through May 31, 2013 and for a total amount not to exceed \$317,480.50 for the full period from June 1, 2010 through May 31, 2013, with two (2) remaining one (1) year option terms, with all purchases of services to be made by formal purchase order, subject to the approval of the Director of Purchasing, and hereby authorizes the County Executive to execute the necessary amendment to and extension of the contract, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Budgets of the Departments of Mental Health, Probation and Social Services subject to available intra-departmental transfers and is contingent upon 2013 budget appropriations.

BB:lo
2012-01827
5/10/12

Schedule "A"

BID NO.: RFB-RC-2010-035

Alcohol/Drug Testing Screening and Services

Proposal Page 1

COUNTY OF ROCKLAND DGS - PURCHASING DEPARTMENT BLDG. A, 2ND FLOOR, 50 SANATORIUM ROAD POMONA, NY 10978 TELEPHONE NO.: 845-364-3820 FAX NO.: 845-364-3809						
LINE NO.	DESCRIPTION	ITEM NUMBER	ESTIMATED ANNUAL QUANTITY (EACH)	UNIT	UNIT PRICE PER TEST	EXTENDED PRICE
DRUG TESTING: INITIAL TEST WITH GC/MS CONFIRMATION						
1.	DRUG TESTING: Initial EMIT Test with GC/MS Confirm on Panel: Methamphetamine, Cocaine, Benzodiazepines (including Clonazepam), Cannabinoids, Opiates (without Methadone)	95207000006	2	EACH	14.00	28.00
2.	DRUG TESTING: Initial EMIT Test with GC/MS Confirm on Panel: Oxycotin	95207000007	2	EACH	9.00	18.00
3.	DRUG TESTING: Initial EMIT Test with GC/MS Confirm on Panel: PCP	95207000008	2	EACH	9.00	18.00
4.	DRUG TESTING: Initial EMIT Test with GC/MS Confirm on Panel: Propoxyphene	95207000009	2	EACH	9.00	18.00
5.	DRUG TESTING: Initial EMIT Test with GC/MS Confirm on Panel: Barbiturates	95207000010	2	EACH	9.00	18.00
6.	DRUG TESTING: Initial EMIT Test with GC/MS Confirm on Panel: Methadone	95207000011	2	EACH	9.00	18.00
DRUG TESTING: GC/MS CONFIRMATION ONLY						
7.	GC/MS Confirm on Panel: Methamphetamine, Cocaine, Benzodiazepines (including Clonazepam), Cannabinoids, Opiates (without Methadone)	95207000012	2	EACH	25.00	50.00
8.	GC/MS Confirm on Panel: Oxycotin	95207000013	2	EACH	9.00	18.00
9.	GC/MS Confirm on Panel: PCP	95207000014	2	EACH	9.00	18.00
10.	GC/MS Confirm on Panel: Propoxyphene	95207000015	2	EACH	9.00	18.00

VENDOR:

BENDNER + SCHLESINGER INC.

At Canale List Price List Remains the Same AS Original Contract and is on file.

COUNTY OF ROCKLAND DGS -- PURCHASING DEPARTMENT BLDG. A, 2ND FLOOR, 50 SANATORIUM ROAD POMONA, NY 10970 TELEPHONE NO.: 845-364-3820 FAX NO.: 845-364-3809						
LINE NO.	DESCRIPTION	ITEM NUMBER	ESTIMATED ANNUAL QUANTITY (EACH)	UNIT	UNIT PRICE PER TEST	EXTENDED PRICE
11.	GC/MS Confirm on Panel: Barbiturates	95207000016	2	EACH	9.00	18.00
12.	GC/MS Confirm on Panel: Methadone	95207000017	2	EACH	9.00	18.00
Drug Screen (urine toxicology) shall be performed using EMIT Method. All negative methadone results and all positive results for other substances shall be confirmed using EMIT method as specified.						
13.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel: Methadone, Opiates, Amphetamines, Benzodiazepines, Alcohol, THC, Oxycodone	95207	4,000	EACH	7.00	28,000.00
14.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel: Cocaine, Benzodiazepines, Opiates, Barbiturates, Methadone, Alcohol, THC	95207000018	4,000	EACH	7.00	28,000.00
15.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel: Cocaine, Benzodiazepines, Opiates, Barbiturates, Methadone, Alcohol, THC, Amphetamines	95207000019	10	EACH	7.50	75.00
16.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel: Cocaine, Benzodiazepines, Opiates, Barbiturates, Methadone, Alcohol, THC, Ecstasy	95207000033	5	EACH	7.50	37.50
17.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel: Cocaine, Benzodiazepines, Opiates, Barbiturates, Methadone, Alcohol, THC, Ecstasy, Amphetamines,	95207000034	15	EACH	8.00	120.00
18.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel: Cocaine, Benzodiazepines, Opiates, Barbiturates, Methadone, Alcohol, THC, Ecstasy, Amphetamines, PCP	95207000035	50	EACH	8.50	425.00

VENDOR:

BENDISER AND
SCHLESINGER

COUNTY OF ROCKLAND DGS - PURCHASING DEPARTMENT BLDG. A, 2ND FLOOR, 50 SANATORIUM ROAD POMONA, NY 10970 TELEPHONE NO.: 945-364-3820 FAX NO.: 945-364-3809						
VENDOR:						
BARBER MD SCHLESINGER						
LINE NO.	DESCRIPTION	ITEM NUMBER	ESTIMATED ANNUAL QUANTITY (EACH)	UNIT	UNIT PRICE PER TEST	EXTENDED PRICE
19.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel, any three of following: Cocaine, Benzodiazepines, Opiates, Barbiturates, Methadone, Alcohol, THC, Ecstasy, Amphetamines, PCP	95207000036	5	EACH	5.00	25.00
20.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel, any four of following: Cocaine, Benzodiazepines, Opiates, Barbiturates, Methadone, Alcohol, THC, Ecstasy, Amphetamines, PCP	95207000037	5	EACH	5.50	27.50
21.	Routine Drug Screening EMIT Method with EMIT Confirm on Panel, any five of following: Cocaine, Benzodiazepines, Opiates, Barbiturates, Methadone, Alcohol, THC, Ecstasy, Amphetamines, PCP	95207000038	3,500	EACH	6.00	21,000.00
22.	Routine Drug Screening EMIT Method with Emit Confirm for LSD	95207000020	2	EACH	90.00	180.00
23.	Routine Drug Screening EMIT Method with Emit Confirm for Propoxyphene	95207000021	2	EACH	4.50	9.00
24.	Routine Drug Screening EMIT Method with Emit Confirm for PCP	95207000022	2	EACH	4.50	9.00
25.	Routine Drug Screening EMIT Method with Emit Confirm for Cannabinoid	95207000023	2	EACH	4.50	9.00
26.	Routine Drug Screening EMIT Method with Emit Confirm for Methamphetamine	95207000024	2	EACH	4.50	9.00

VENDOR:

BENDNER INC
SELLING-ETL

COUNTY OF ROCKLAND
DGS - PURCHASING DEPARTMENT
BLDG. A, 2ND FLOOR, 50 SANATORIUM ROAD
POMONA, NY 10970
TELEPHONE NO.: 845-364-3820
FAX NO.: 845-364-3899

LINE NO.	DESCRIPTION	ITEM NUMBER	ESTIMATED ANNUAL QUANTITY (EACH)	UNIT	UNIT PRICE PER TEST	EXTENDED PRICE
27.	Drug Screen (Oral Fluid Drug Testing) shall be performed using enzyme immunoassay technology. All negative methadone results and all positive results for other substances shall be confirmed using chromatography/mass spectrometry/mass spectrometry (GC/MS/MS) method as specified.	95207000039	500	EACH	18.00	9000.00
28.	Oral Fluid Drug Testing with GC/MS/MS confirm on panel: Marijuana, Cocaine, Amphetamines, Opiates, PCP	95207000040	1,500	EACH	19.00	28,500.00
29.	Oral Fluid Drug Testing with GC/MS/MS confirm on panel, any five of the following: Marijuana, Cocaine, Amphetamines, Opiates, PCP, Barbiturates, Benzodiazepines, Methadone, Methamphetamine (including Ecstasy)	95207000041	5	EACH	18.00	90.00
30.	Drug Screening (urine toxicology) shall be performed using TLC Methods. All positive results shall be confirmed using the TLC Method as specified	95207000042	2	EACH	20.00	40.00
31.	Routine Drug Screening TLC Method with TLC Method Confirm on Panel: Rohypnal ADULTERATION ANALYSIS Adulteration Profile Analysis: Creatinine, PH, Specific Gravity, Bleach, Glutaraldehyde, Nitrate and Pyridinium	95207000043	20	EACH	5.00	100.00
32.	QUANTITATIVE ANALYSIS Quantitative Analysis for THC	95207000026	700	EACH	2.00	1400.00
33.	Quantitative Analysis for Cocaine	95207000027	10	EACH	2.00	20.00

VENDOR:

COUNTY OF ROCKLAND
 DGS - PURCHASING DEPARTMENT
 BLDG. A, 2ND FLOOR, 50 SANATORIUM ROAD
 POMONA, NY 10970
 TELEPHONE NO.: 845-364-3820
 FAX NO.: 845-364-3809

*DEPOMEZ AND
 SCHAUBRINGEN*

LINE NO.	DESCRIPTION	ITEM NUMBER	ESTIMATED ANNUAL QUANTITY (EACH)	UNIT	UNIT PRICE PER TEST	EXTENDED PRICE
34.	Quantitative Analysis for Ecstasy	95207000028	10	EACH	2.00	20.00
35.	Quantitative Analysis for PCP	95207000029	10	EACH	2.00	20.00
36.	Quantitative Analysis for Opiates	95207000030	10	EACH	2.00	20.00
DRUG SCREENING: EMIT METHOD CONFIRMATION ONLY						
37.	Emit confirm on panel: Opiates, THC, Methamphetamine, Ecstasy, Cocaine, Cannabinoids, Benzodiazepines, Morphine (300 Ng/ml)	95207000031	5	EACH	6.50	32.50
38.	Emit Confirm on panel: Amphetamine, Cocaine, Morphine (300 Ng/ml), Barbiturates, Benzodiazepines	95207000032	5	EACH	6.00	30.00
FORENSIC TESTS						
39.	Forensic Tests with Chain of Custody for Line Items #1-38 (If no charge enter \$0.00)	95207000004	2	EACH	12.00	24.00
40.	TOTAL FOR LINE ITEMS #1-38					117,480.50
41.	TOTAL WRITTEN OUT FOR LINE ITEMS #1-38					TOTAL

One hundred seventeen thousand, four hundred eighty and 50/100 cents

LINE NO.	DESCRIPTION	ITEM NUMBER	ESTIMATED ANNUAL QUANTITY (EACH)	UNIT	UNIT PRICE PER TEST	EXTENDED PRICE
42.	EXPERT TESTIMONY (In relation to Forensic Test) (If no charge enter \$0.00)	95207000005	2	DAY	750.00 COST PER DAY	1500.00
43.	PERCENT DISCOUNT OFF Percent Discount Off of price list submitted for test not listed. (If no discount, enter 0%)	95207000044		EACH	50 %	

Prompt Payment Discount
Bidder offers a prompt payment discount of _____ % days or _____ % days, to apply after receipt of invoice or final acceptance of products, whichever is later. If no prompt payment discount is offered, enter 0 in the % space to indicate net 30 days, otherwise payment terms shall be 2% - 20 days, net 30 days, effective after receipt of invoice or final acceptance of the products, whichever is later

Print Name: CHARLES SCHLESINGER
 Name of person responsible for this solicitation
 Signature: [Signature]
 Email Address: psfeth@bendinerlab.com
 Direct Phone Number: 212-353-5132
 Fax Number: 718-439-0460

I acknowledge the receipt of _____ addendums.

VENDOR:

BENDINER AND
SCHLESINGER, INC

COUNTY OF ROCKLAND
 DGS - PURCHASING DEPARTMENT
 BLDG. A, 2ND FLOOR, 50 SANATORIUM ROAD
 POMONA, NY 10970
 TELEPHONE NO.: 845-364-3820
 FAX NO.: 845-364-3889