

ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER
LATOYA JOYNER, CHAIR

NEW YORK STATE ASSEMBLY
COMMITTEE ON LABOR



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Assembly Member
85th Assembly District
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Task Force on Women's Issues

December 15, 2021

The Honorable Carl E. Heastie
Speaker of the Assembly
Room 932
Legislative Office Building
Albany, New York 12248

Dear Speaker Heastie,

As Chair of the Assembly Standing Committee on Labor, I am pleased to submit to you the Committee's 2021 Annual Report. The following report is a summary of significant actions taken during the 2021 Legislative Session which demonstrates the Committee's ongoing commitment to advancing legislation that strengthens and supports New York State's strong and diverse workforce.

Each year, one of the Committee's top priorities is ensuring that workers are receiving the full wages to which they are rightfully and legally entitled. To that end, major legislation was enacted into law in 2021 to help reduce wage theft in the construction industry by requiring contractors to assume liability for any unpaid wages owed to a worker by a subcontractor. In addition, new legislation was enacted to clarify that there is no exception to liability under the New York State Labor Law for the unauthorized failure of an employer to pay wages, benefits, or wage supplements to an employee. Further, the Committee advanced several bills to expand prevailing wage requirements for construction and building service work in order to ensure that employees on such projects receive their lawful wages and supplements. One such piece of legislation, which has since been signed into law, requires certain cooperative and condominium owners in New York City to pay the prevailing rate of wages to building service workers in order to qualify for a tax abatement under section 467-a of the New York State Real Property Tax Law. Another bill which passed both houses would require any work involving the delivery and hauling of aggregate supply construction materials to and from public work projects to be subject to prevailing wage requirements.

In 2021, the Committee has remained steadfast in its dedication to strengthening employees' rights and protections in the workplace. As a result, significant legislation was enacted into law to expand whistleblower protections for employees and ensure that independent contractors are also covered by these important safeguards. This new law prohibits employers from taking adverse employment actions against individuals who disclose an activity, policy, or practice that they reasonably believe either (1) violates a law, rule, or regulation, or (2) poses a substantial and specific danger to public health or safety. These changes will help empower workers to report illegal conduct in the workplace without the fear of retaliation from their employers. Further, the Committee also advanced bills to require private employers to notify their employees of electronic monitoring in the workplace, to expand access to temporary disability insurance and Paid Family Leave benefits for domestic workers, and to prevent employers from using threats or retaliation based on an employee's immigration status in an effort to discourage such individuals from filing for benefits under the New York State Workers' Compensation Law.

In light of the ongoing challenges presented by the COVID-19 pandemic, the Committee also advanced several significant pieces of legislation to improve the unemployment insurance (UI) system and ensure that claimants have proper access to unemployment benefits during this difficult time. Consequently, major legislation was signed into law this year to revise the calculation of partial UI benefits to provide for a more reasonable computation of benefits that is based on a proportion of the claimant's wages rather than on how many days they work per week. Additional legislation which passed both houses would include childcare as a "compelling family reason" for voluntary separation from employment in order to ensure that unemployed workers are not denied UI benefits if they are forced to leave their jobs due to family childcare responsibilities.

Further, the Committee advanced several bills, all of which have been signed into law, to enhance the Shared Work Program, a type of short-time compensation program which provides an alternative to layoffs for employers that are experiencing a reduction in available work. These laws extend the length of time that a UI claimant may be eligible for benefits under their employer's Shared Work plan, require the New York State Department of Labor to provide informational materials regarding the Shared Work Program both online and to employers, and allow employees to petition their employer to apply for the program. Finally, in order to further address the unemployment crisis, the Assembly passed significant legislation to establish that an employer's experience rating account shall not be charged for any claims related to the COVID-19 pandemic until the end of 2021.

Another notable achievement of the 2021 Legislative Session was the enactment of the NY Hero Act, which requires the New York State Department of Labor to create a model airborne infectious disease exposure prevention standard for all private employers in New York State. Prompted by the many workplace health and safety challenges that arose during the COVID-19 pandemic, this new law will help reduce workplace transmission and community spread of infectious airborne diseases by requiring employers to adopt minimum requirements for preventing exposure to diseases designated by the Commissioner of Health as highly contagious and presenting a serious risk of harm to public health.

Finally, one of the most significant achievements of the Committee in 2021 was the passage of legislation in the State Fiscal Year 2021-22 Enacted Budget to create New York State's first-

in-the-nation Excluded Workers Fund. Subject to a \$2.1 billion appropriation, this groundbreaking legislation provides wage replacement benefits to workers who were otherwise ineligible for UI benefits and federal stimulus checks during the first year of the COVID-19 pandemic due to their exclusion from such programs under federal law. The Committee worked closely with advocates, workers, and legal experts to craft a fair and balanced approach towards replacing the wages lost by these workers and their families during an extremely difficult period of time for New Yorkers. The application window for these benefits officially closed on October 8, 2021, and overall, over 130,000 claims were approved by the New York State Department of Labor.

Under your leadership, Mr. Speaker, this Committee looks forward to meeting the challenges of the upcoming 2022 Legislative Session with a continued promise to advocate for policies that ensure equal employment opportunities for all workers, in all industries, and provide greater protections and benefits to injured and unemployed workers. I would like to thank the Members of the Assembly Standing Committee on Labor for their hard work and unwavering support for New York State's workforce and its families, and to you, Mr. Speaker, for your guidance and steadfast commitment to the people of this great State.

Sincerely,

A handwritten signature in cursive script that reads "Latoya Joyner". The signature is written in dark ink and is positioned below the word "Sincerely,".

Latoya Joyner
Chair, Assembly Standing Committee on Labor

**2021 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON LABOR**

Latoya Joyner, *Chair*

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Aubree Heydrick, *Analyst*
Christopher Greenidge, *Associate Counsel*
Megan Byrne, *Administrative Assistant*
Jamie D. Gilkey, *Committee Clerk*

▪ **TABLE OF CONTENTS** ▪

I. INTRODUCTION	1
II. 2021 LEGISLATIVE ACTION	2
A. Wage and Hour Standards	2
1. Mandatory Overtime Restrictions for Home Care Nurses	2
2. Prevailing Wage for Hauling of Aggregate Supply Construction Materials	2
3. No Wage Theft Loophole Act	2
4. Prevailing Wage for Employees at Indian Point Chapter Amendment	2
5. Healthy Terminals Act Chapter Amendment	3
6. Wage Theft in the Construction Industry	3
7. Reciprocity of Debarments	4
8. Salary and Compensation Range Disclosure	4
9. Prevailing Wage for Work at Certain Cooperative and Condominium Properties	4
B. Employee Rights and Protections	4
1. Notice of Electronic Monitoring	5
2. Registry for Workplace Fatalities in Construction Chapter Amendment	5
3. Public Sector Plans for the Continuation of Operations Chapter Amendment	5
4. Rights of Employees to Express Breast Milk in the Workplace	5
5. WARN Notice Requirements Chapter Amendment	5
6. NY HERO Act	6
7. Strengthening Whistleblower Protections	6
8. NY HERO Act Chapter Amendment	6
C. Unemployment Insurance	7
1. Considering Childcare in Work Search Requirements Chapter Amendment	7
2. Experience Rating Charges during the COVID-19 Pandemic	7
3. Calculation of Partial Unemployment Insurance Benefits	7
4. Shared Work Program Benefits	8
5. Voluntary Separation from Employment due to Childcare	8
6. Notice of Available Utility, Rental, and Mortgage Assistance	8
7. Recovery of Overpayments of Unemployment Benefits	8

8. Self-Employment Assistance Program Extension	9
9. Shared Work Program Outreach	9
10. Petition for Employers to Participate in Shared Work Program	9
11. Voluntary Separation from Employment due to Military Transfer	9
12. Partial Unemployment Benefits Chapter Amendment	9
D. Workers' Compensation, Paid Family Leave and Temporary Disability	9
1. Uninsured Employers' Fund.....	10
2. Irregularities in Cover Sheets for Administrative or Full Board Review	10
3. Workers' Compensation Attorneys' Fees	10
4. Workers' Compensation Direct Deposit Chapter Amendment	10
5. Protecting Benefits for Domestic Workers	11
6. Including Siblings under Paid Family Leave	11
7. Classifying COVID-19 as an Occupational Disease	11
8. Death Benefits due to Diesel Exhaust Exposure.....	11
9. Language Access Services	11
10. Prohibiting Discrimination and Retaliation Based on Immigration Status.....	12
11. Pre-Audit of Expenditures from the State Insurance Fund	12
12. State Insurance Fund Out-of-State Coverage	12
E. Other Significant Legislation	12
1. Summer Youth Employment Programs Report Chapter Amendment.....	12
2. Modular Construction Work	13
3. Wage Data Clearinghouse.....	13
4. Veterans' Benefits and Services Poster	13
5. Work Opportunity Tax Credit Data Transparency	13
6. Digital Posters and Documents	14
7. Service of Notice by Electronic Communication	14
III. STATE FISCAL YEAR 2021-22 ENACTED BUDGET	15
A. Excluded Workers Fund	15
B. Prevailing Wage Requirements for Renewable Energy Projects	16
C. Unemployment Experience Rating Accounts	17

IV. PUBLIC HEARINGS AND ROUNDTABLES.....	18
A. Employment Opportunities for People with Disabilities.....	18
B. Impacts of a Prohibition on the Construction of New Fossil Fuel Power Plants	18
C. Employment Trends from the COVID-19 Pandemic	18
D. Impact of COVID-19 on the Delivery of Health Care and the Workforce.....	19
E. Workforce Development.....	19
V. OUTLOOK FOR 2022.....	21
APPENDIX A: 2021 SUMMARY SHEET	22
APPENDIX B: CHAPTER LAWS OF 2021	23
APPENDIX C: BILLS VETOED IN 2021	28
APPENDIX D: PASSED ASSEMBLY IN 2021	28

▪ INTRODUCTION ▪

Each legislative session, the Assembly Standing Committee on Labor (“the Committee”) is tasked with examining legislation that affects the well-being and livelihood of New York State’s workforce. To that end, the Committee is responsible for advancing legislation that helps protect the fundamental rights and benefits of all workers, such as minimum wage, fair pay, workplace safety, unemployment insurance, protections against discrimination and retaliation, and the right to organize.

The Committee reviews bills from a number of sources including advocates and stakeholders, constituents, and Members of the Assembly. The Committee also considers bills from the Governor of New York State and various departments of the executive branch, including the New York State Department of Labor, the Workers’ Compensation Board, the Office of the Attorney General, and the Office of the State Comptroller. Many of these types of bills seek to improve the enforcement of current laws in order to strengthen protections for workers, while others propose remedies for administrative concerns which would allow these departments to run their programs more efficiently. A representative sample of the legislative proposals acted upon this year includes a bill that would strengthen anti-retaliation protections for whistleblowers, legislation that allows the Department of Labor to serve notices by electronic communication, and legislation that revises the calculation of partial unemployment benefits.

Each year, the Committee also hosts roundtables and public hearings on issues which directly impact the workforce in New York State. These forums offer valuable opportunities for workers, businesses, professionals, academics, and other constituents to provide formal testimony to the Committee and engage in meaningful discussions with Members as well as each other. This year, the Committee conducted four separate hearings to: examine the availability of employment opportunities for people with disabilities; examine employment trends caused by the COVID-19 pandemic; explore impacts of COVID-19 on the delivery of health care and the health care workforce; and examine the implementation and effectiveness of workforce development programs funded by the State. In addition, the Committee also took part in an important roundtable discussion examining the implications of prohibiting the construction of new fossil-fuel power plants.

▪ **2021 LEGISLATIVE ACTION** ▪

A. Wage and Hour Standards

One of the most significant issues impacting workers in New York State is the enforcement of wage and hour laws. In conjunction with the federal Fair Labor Standards Act, the New York State Labor Law establishes guidelines for employees regarding hours of work, payment of wages, rest and meal periods, minimum wage, overtime pay, sick leave, equal pay, recordkeeping, and other basic labor standards. The Labor Law also sets forth separate prevailing wage requirements for construction projects and building service work in order to ensure that workers on public work projects and other publicly subsidized contracts receive their lawful wages and supplements. Each year, the Committee strives to advance fair and balanced legislation that will help protect and improve existing wage and hour standards for the benefit of all employees in New York State. In 2021, the Committee reported several bills to enhance wage and hour protections for home care nurses, reduce wage theft violations, and expand prevailing wage requirements for construction and building service work.

1. Mandatory Overtime Restrictions for Home Care Nurses

A.181-A (Gunther) / S.4885-A (Savino) – Passed Assembly

This bill would add home care nurses to the restrictions against mandatory overtime in the New York State Labor Law by establishing that no health care employer shall require a nurse to work more than their regularly scheduled home care visits. This would apply to all health care employers who are licensed as home care services agencies pursuant to Article 36 of the Public Health Law.

2. Prevailing Wage for Hauling of Aggregate Supply Construction Materials

A.1106-B (Bronson) / S.255-B (Mayer) – Chapter 823 of the Laws of 2021

This bill would require any work involving the delivery and hauling of aggregate supply construction materials to and from public work project sites, and any time spent loading or unloading such materials, to be subject to prevailing wage requirements.

3. No Wage Theft Loophole Act

A.1893 (Simon) / S.858 (Gounardes) – Chapter 397 of the Laws of 2021

This legislation clarifies that there is no exception to liability under the New York State Labor Law for the unauthorized failure of an employer to pay wages, benefits, or wage supplements.

4. Prevailing Wage for Employees at Indian Point Chapter Amendment

A.2684 (Galef) / S.2557 (Harckham) – Chapter 87 of the Laws of 2021

This legislation amended Chapter 384 of the Laws of 2020 to provide that any entity involved in the purchase, transfer, lease, or decommissioning of the Indian Point Nuclear

Power Plant must pay employees of such facility the prevailing wage. Further, this law requires that the current workforce remains covered by their existing collective bargaining agreements, regardless of any purchase, transfer, sale, lease, or decommissioning activities at such facility. It also amends the definition of “electric plant” under the New York State Public Service Law to include retired nuclear power reactors in order to confirm that the Public Service Commission has jurisdiction over former nuclear power sites.

5. Healthy Terminals Act Chapter Amendment

A.3020-A (Hyndman) / S.4001 (Biaggi) – Chapter 88 of the Laws of 2021

This legislation amended Chapter 387 of the Laws of 2020, which established the Healthy Terminals Act, to create a new Article 19-D of the New York State Labor Law to require employers to compensate all covered airport workers at John F. Kennedy International Airport and LaGuardia Airport at a rate that is no less than the applicable standard rate, which shall be a combination of:

- The applicable minimum wage rate for such workers, established by the policy of the Port Authority of New York and New Jersey; and
- The standard benefits supplement rate, by means of providing at least \$4.54 per hour toward the cost of minimum essential coverage under an employer-sponsored health insurance plan.

Under this law, a “covered airport worker” is defined as any person employed to perform cleaning and related services, security related services, in-terminal and passenger handling services, airline catering, or airport lounge services at these airports.

Beginning on July 1, 2021, the legislation requires all covered airport employers to provide covered airport workers who were employed as of December 30, 2020 with the ability to begin or change enrollment in an eligible employer-sponsored health insurance plan. Covered airport workers who are employed on or after January 1, 2023 will be provided with the ability to begin or change enrollment in an eligible employer-sponsored health insurance plan for coverage within 30 days.

This legislation also includes additional protections for the workforce to ensure that employers do not withhold hours of work from covered airport workers or reduce the number of workers at the airports.

6. Wage Theft in the Construction Industry

A.3350-A (Joyner) / S.2766-C (Ramos) – Chapter 419 of the Laws of 2021

This law requires contractors making or taking construction contracts to assume liability for any wage claims resulting from the actions of a subcontractor and provides that a contractor would be jointly and severally liable for unpaid wages and other costs in the case of an action against a subcontractor. The law also permits contractors and subcontractors to request payroll records from their subcontractors on construction

projects. However, changes to such legislation were subsequently negotiated pursuant to the framework set forth in Approval Memorandum No. 18.

7. Reciprocity of Debarments

A.5475 (Lunsford) / S.3293 (Ramos) – Chapter 79 of the Laws of 2021

This legislation extends for three years the provisions of law that prohibit any contractor, subcontractor, or person from bidding on or being awarded a public work contract in New York State while they have been debarred from receiving such contracts at the federal level under the Davis-Bacon Act.

8. Salary and Compensation Range Disclosure

A.6529-A (Joyner) / No Same-As – Reported to Rules Committee

This bill would require employers to disclose the compensation or range of compensation for each job position posted for internal or public viewing, along with the job description for the position and a general description of all benefits and other forms of compensation to be offered. Current employees would also be provided with this information upon request.

9. Prevailing Wage for Work at Certain Cooperative and Condominium Properties

A.7434-A (De La Rosa) / S.6350-A (Benjamin) – Chapter 422 of the Laws of 2021

This law requires certain residential real property held in the cooperative or condominium form of ownership to certify that building service workers are paid the prevailing wage in order to qualify for a tax abatement under section 467-a of the Real Property Tax Law. Such prevailing wage requirements apply to properties: (1) with an average unit assessed value greater than \$60,000 and with more than 30 dwelling units; and (2) with an average unit assessed value greater than \$100,000 regardless of size. The legislation also makes changes to the underlying tax abatement program to authorize the New York City Commissioner of Finance to require the unit owner or shareholder of a dwelling unit to annually certify their primary residence.

B. Employee Rights and Protections

New York State is home to some of the most aggressive laws and regulations in the country designed to protect the rights of employees and prohibit discrimination and retaliation against workers. Yet despite this progress, many individuals continue to face significant obstacles in seeking justice from their employers when these rights are violated. State and federal laws also entitle all employees to a safe workplace, free of known health and safety hazards, and the right to speak up about such hazards without fear of retaliation. The Committee strives to protect the rights of all workers and ensure that workplaces across the state are safe and free of discrimination, retaliation, and other harmful employment practices. This year, the Committee sought to advance these goals by strengthening protections for whistleblowers, notifying employees of electronic monitoring, and enacting the NY HERO Act to establish airborne infectious disease exposure prevention standards for all work sites.

1. Notice of Electronic Monitoring

A.430 (Rosenthal L) / S.2628 (Sanders) – Chapter 583 of the Laws of 2021

This bill would require private employers engaged in electronic monitoring of their employees to give prior written notice of such activity upon hire. Employers would also be required to post such notice in a conspicuous location in the workplace.

2. Registry for Workplace Fatalities in Construction Chapter Amendment

A.974 (De La Rosa) / S.1302 (Ramos) – Chapter 65 of the Laws of 2021

This law amended Chapter 375 of the Laws of 2020, which required the New York State Department of Labor to create and maintain a registry of workplace fatalities in the construction industry, to make technical changes to such law.

3. Public Sector Plans for the Continuation of Operations Chapter Amendment

A.980 (Abbate) / S.1295 (Gounardes) – Chapter 30 of the Laws of 2021

This law amended Chapter 168 of the Laws of 2020, which required each public employer in New York State to prepare a plan for the continuation of operations in the event of a declared state disaster emergency involving a communicable disease, in order to remove contractors from the scope of such plans and to include any other requirements as determined by the New York State Department of Health. The law also clarifies when the draft and final versions of such operation plans are to be completed.

4. Rights of Employees to Express Breast Milk in the Workplace

A.1236 (Paulin) / No Same-As – Reported to Rules Committee

This bill would expand the rights of nursing mothers in the workplace by requiring employers, upon request, to designate a room or other location which shall be made available for use by such employee to express breast milk. Such room or other location would have to be: in close proximity to the work area; shielded from view; and free from intrusion from other persons in the workplace or the public. This bill would also clarify that employers shall provide reasonable break time for employees to express breast milk each time they have a reasonable need to do so. Employers would also be required to develop and implement a written policy regarding the rights of employees to express breast milk in the workplace.

5. WARN Notice Requirements Chapter Amendment

A.1919 (Otis) / S.2074 (Mayer) – Chapter 86 of the Laws of 2021

This legislation amended Chapter 265 of the Laws of 2020, which amended the New York State Worker Adjustment and Retraining (WARN) Act to require employers to give advance written notice of a mass layoff, relocation, or employment loss to localities, in order to make technical changes to such law.

6. NY HERO Act

A.2681-B (Reyes) / S.1034-B (Gianaris) – Chapter 105 of the Laws of 2021

This law establishes the New York Health and Essential Rights Act (NY HERO Act) to require the New York State Department of Labor, in consultation with the Department of Health, to create a model airborne infectious disease exposure prevention standard for all work sites, differentiated by industry, to establish minimum requirements for preventing exposure to airborne infectious diseases in the workplace in order to protect the public and the workforce. It requires all private sector employers to adopt an airborne infectious disease plan that equals or exceeds the minimum requirements of the model standard. Further, it empowers employees to report violations and airborne infectious disease exposure concerns to their employers and government entities without fear of retaliation.

Finally, the law also authorizes workplaces with ten or more employees to establish workplace safety committees in order to review policies and receive complaints about health and safety violations in the workplace. However, changes to such legislation were subsequently enacted by Chapter 142 of the Laws of 2021 (see below).

7. Strengthening Whistleblower Protections

A.5144-A (Benedetto) / S.4394-A (Ramos) – Chapter 522 of the Laws of 2021

This bill would protect employees against retaliatory actions by their employers by expanding whistleblower protections to individuals who disclose an activity, policy, or practice of an employer that they reasonably believe is either: (1) in violation of law, rule, or regulation; or (2) posing a substantial and specific danger to the public health or safety. It would also strengthen these protections by ensuring that former employees and independent contractors are captured under the law. This bill would also extend the statute of limitations for whistleblowers filing a civil action for retaliation from one to two years and would add additional remedies for such actions, including front pay, civil penalties, and punitive damages.

8. NY HERO Act (Chapter Amendment)

A.7477 (Reyes) / S.6768 (Gianaris) – Chapter 142 of the Laws of 2021

This law amended Chapter 105 of the Laws of 2021, which established the New York Health and Essential Rights Act (NY HERO Act), to provide the New York State Department of Labor, and businesses throughout New York State, more specific guidance for developing and implementing new workplace standards for airborne infectious disease exposure prevention. These changes included requiring the Commissioner of Labor to create a model airborne infectious disease exposure prevention standard for each industry representing a significant portion of the workforce, or with unique characteristics requiring distinct standards, as well as a general model standard to capture all other worksites. It also clarified the circumstances under which an employee may be able to bring a civil action against their employer for an alleged violation of the law.

C. Unemployment Insurance

Since 1935, the New York State Unemployment Insurance (UI) program has served as a financial safety net for people who find themselves out of work through no fault of their own. To collect weekly benefits, an individual must be ready, willing, and able to work, and must be actively looking for work, for each week that they are claiming benefits. This program ensures that individuals are able to meet their basic financial needs in order to support themselves and their families while searching for new employment opportunities.

Over the last two years, this safeguard has become more important than ever as businesses, schools, and other employers across the country reduced their workforces in response to the COVID-19 pandemic. To address these concerns, federal unemployment benefit programs further supported benefits for unemployed workers in 2021 by extending the number of weeks that claimants could be eligible for benefits, providing an additional \$300 per week in pandemic unemployment compensation, and extending the Pandemic Unemployment Assistance (PUA) program for individuals otherwise ineligible for UI, such as gig workers and independent contractors. While these federal programs expired on September 5th, 2021, job losses continue to have a devastating impact on working families across New York State. For these reasons, the Committee has remained steadfast in its commitment to improve the unemployment system and ensure that claimants have quick and proper access to UI during this difficult time.

1. Considering Childcare in Work Search Requirements Chapter Amendment A.966 (Solages) / S.1299 (Sanders) – Chapter 26 of the Laws of 2021

This law amended Chapter 252 of the Laws of 2020, which required the Commissioner of Labor to take childcare obligations into consideration when promulgating regulations for work search requirements for individuals receiving unemployment benefits, in order to make a technical correction to such law.

2. Experience Rating Charges during the COVID-19 Pandemic A.2001-A (Zebrowski) / S.1197 (Persaud) – Chapter 21 of the Laws of 2021

This law establishes that an employer's unemployment experience rating account shall not be charged for any claims related to such employer's closure, or a reduction in the workforce, for the duration of the state disaster emergency declared due to the COVID-19 pandemic, or December 31, 2021, whichever is later. This includes any closures resulting from a mandatory order issued by a government entity requiring such employer to close. Technical changes to such legislation were subsequently enacted in the State Fiscal Year 2021-22 budget through Part CC of Chapter 56 of the Laws of 2021.

3. Calculation of Partial Unemployment Insurance Benefits A.2355-A (Stirpe) / S.1042-A (Ramos) – Chapter 277 of the Laws of 2021

This law revises the calculation of unemployment insurance (UI) for claimants who are partially unemployed. Prior to this legislation, a partially unemployed claimant's benefits

were reduced by 25% for each day they worked per week, regardless of how many hours they worked on any such day or how much money they earned. This legislation establishes a “partial benefit credit” – equal to 50% of the claimant’s maximum weekly benefit for total unemployment, or \$100, whichever is greater – which is disregarded in the calculation of their unemployment benefits, resulting in a more reasonable computation of partial UI benefits that is proportionate to the claimant’s wages. Technical changes to this law were subsequently enacted pursuant to Chapter 305 of the Laws of 2021.

4. Shared Work Program Benefits

A.5678 (Joyner) / S.4049 (Ramos) – Chapter 420 of the Laws of 2021

This bill would extend the length of time that an unemployment insurance claimant shall be eligible for benefits under the Shared Work Program, from twenty-six weeks to twenty-six times the maximum weekly benefit rate payable to such individual.

5. Voluntary Separation from Employment due to Childcare

A.6080 (Lunsford) / S.2623 (Jackson) – Chapter 772 of the Laws of 2021

This bill would include childcare as a “compelling family reason” for voluntary separation from employment for purposes of unemployment insurance, provided that an individual has made reasonable efforts to secure alternative childcare. This would ensure that unemployed workers would not be denied unemployment benefits on account of voluntarily leaving their jobs due to childcare obligations.

6. Notice of Available Utility, Rental, and Mortgage Assistance

A.6337-B (Gunther) / S.5490-B (Hinchey) – Chapter 251 of the Laws of 2021

This law requires the Commissioner of Labor to provide information to unemployment insurance claimants regarding utility assistance and rental and mortgage assistance programs available through the New York State Division of Housing and Community Renewal and the Office of Temporary and Disability Assistance.

7. Recovery of Overpayments of Unemployment Benefits

A.6666 (Joyner) / S.6169 (Hoylman) – Advanced to Third Reading

This bill would establish that an unemployment insurance (UI) claimant shall not be held liable for overpayments of state or federal unemployment benefits, to the extent permitted under federal law, provided that: (a) such overpayment was not due to fraud or due to a willful false statement or misrepresentation; (b) such overpayment was received without fault on the part of the claimant; and (c) the recovery of such overpayment would be against equity and good conscience. The Commissioner of Labor would also be required to notify the claimant within 15 days when an overpayment has occurred and inform the claimant of his or her right to request a waiver. Upon denial of any waiver request, the Commissioner of Labor would also be required to notify the claimant of his or her right to request an adjustment to their repayment schedule upon demonstration of a material change in their financial condition.

8. Self-Employment Assistance Program Extension

A.7288 (Conrad) / S.6697 (Ramos) – Chapter 653 of the Laws of 2021

This law extends the Self-Employment Assistance Program (SEAP) for two additional years, until December 7, 2023.

9. Shared Work Program Outreach

A.7353 (Bronson) / S.18-A (Mayer) – Chapter 458 of the Laws of 2021

This law requires the New York State Department of Labor (“the Department”) to provide informational materials regarding eligibility for the Shared Work Program online and to employers annually. The Department shall also be required to conduct outreach to employers within the State and report to the Governor and Legislature on such efforts on an annual basis.

10. Petition for Employers to Participate in Shared Work Program

A.7373 (Bronson) / S.17-A (Mayer) – Chapter 493 of the Laws of 2021

This law allows employees to petition their employer to apply for participation in a Shared Work Program in order to avoid reductions in the workforce or to re-hire former employees. Employers must respond to such request in writing within seven days.

11. Voluntarily Separation from Employment due to Military Transfer

A.7514 (Frontus) / S.3623 (Ortt) – Chapter 610 of the Laws of 2021

This law includes the military transfer of a spouse as a “compelling family reason” for voluntary separation from employment for purposes of unemployment insurance. This legislation ensures that unemployed workers will not be denied unemployment benefits on account of voluntarily leaving their jobs to accompany a spouse who is the subject of a military transfer.

12. Partial Unemployment Benefits Chapter Amendment

A.7959 (Stirpe) / S.7148 (Ramos) – Chapter 305 of the Laws of 2021

This law amended Chapter 277 of the Laws of 2021, which revised the calculation of partial unemployment benefits, to make technical changes to effectuate the intent of the law and establish an interim method for calculating partial unemployment benefits until the underlying legislation takes effect.

D. Workers’ Compensation, Paid Family Leave, and Temporary Disability Insurance

Workers’ compensation insurance provides weekly cash benefits and medical care, including rehabilitation, to workers who become partially or totally disabled as a result of a disease or injury caused by their employment. If a worker dies from a compensable injury or illness, workers’ compensation also guarantees payments to qualified dependents. In addition, New

York State requires employers to obtain coverage for temporary disability insurance (TDI) benefits in order to provide weekly cash benefits to replace, in part, wages lost due to injuries or illnesses that do not arise out of the course of employment. Finally, the Paid Family Leave program ensures that hard-working New Yorkers can afford to take paid time off to bond with a new child, take care of a family member who has fallen ill, or relieve family pressures when a family member is called to active military service abroad, without the risk of losing their job or income. Each year, the Committee considers bills that would facilitate access to these benefits, improve the processing of claims, and ensure that injured workers are able to access the quality care and treatment options that meet their needs.

1. Uninsured Employers' Fund

A.359-A (Jacobson) / S.6628-A (Skoufis) – Chapter 717 of the Laws of 2021

This bill would require the New York State Workers' Compensation Board ("the Board") to appoint the Uninsured Employers' Fund as the temporary insurance carrier in the event that an employer's carrier cannot be determined within ten days of an injured worker filing a new claim for benefits. After such time, the Uninsured Employers' Fund would be required immediately to commence payments and provide medical care to the claimant. The Board would also be required to schedule a hearing to resolve the issue and provide notice of such claim and hearing to the employer by certified mail.

2. Irregularities in Cover Sheets for Administrative or Full Board Review

A.386 (Jacobson) / S.829 (Ramos) – Chapter 718 of the Laws of 2021

This bill would allow for the correction of mistakes, omissions, defects and/or other irregularities in applications for appeals and rebuttals to the New York State Workers' Compensation Board.

3. Workers' Compensation Attorneys' Fees

A.1034-B (Bronson) / S.946-B (Gaughran) – Chapter 824 of the Laws of 2021

This bill would establish a schedule of attorneys' fees for legal services in connection with a workers' compensation claim. The New York State Workers' Compensation Board would be required to approve an attorney's application for such fees in an amount commensurate with the services rendered and the amount of compensation awarded, having due regard for the financial state of the claimant, pursuant to such schedule.

4. Workers' Compensation Direct Deposit Chapter Amendment

A.1251 (Reyes) / S.1298 (Savino) – Chapter 9 of the Laws of 2021

This law amended Chapter 253 of the Laws of 2020 to clarify the process by which claimants may request and receive the direct deposit of workers' compensation payments.

5. Protecting Benefits for Domestic Workers

A.6077-A (Rajkumar) / S.3291-A (Salazar) – Chapter 740 of the Laws of 2021

This bill would make a technical amendment to Chapter 481 of the Laws of 2010, which established the Domestic Workers Bill of Rights, to clarify that personal and domestic employees who work at least 20 hours per week, and who are employed on at least 30 days in any calendar year, are eligible for temporary disability insurance (TDI) benefits and Paid Family Leave.

6. Including Siblings under Paid Family Leave

A.6098-A (Galef) / S.2928-A (Addabbo) – Chapter 550 of the Laws of 2021

This law expands the definition of “family member” under the Paid Family Leave program to include siblings. The definition of “sibling” includes biological or adopted siblings, half-siblings, and stepsiblings. This change allows eligible employees to use Paid Family Leave to take paid time off from work in order to care for a sibling with a serious health condition.

7. Classifying COVID-19 as an Occupational Disease

A.6117 (Simon) / S.1241 (Ramos) – Reported to Ways and Means Committee

This bill would add exposure to the novel coronavirus, COVID-19, to the list of occupational diseases under the New York State Workers’ Compensation Law for which compensation shall be payable for disabilities sustained or death incurred by an employee. In effect, this would apply a presumption of work-related illness due to COVID-19 to any and all work during an outbreak that could expose workers to such virus, including, but not limited to, work for any essential business, any work outside the home during a period of closure of non-essential businesses, or any public employment. This would help ensure that essential workers receive workers’ compensation benefits after contracting COVID-19 due to their increased risk of exposure in the workplace.

8. Death Benefits due to Diesel Exhaust Exposure

A.6424 (Bichotte Hermelyn) / S.661 (Sanders) – Chapter 526 of the Laws of 2021

This law amends the New York State Workers’ Compensation Law to allow for a surviving spouse or dependents of workers who died as the result of cancer caused by exposure to diesel exhaust to file a claim for death benefits within one year of the effective date of such legislation (before October 30, 2022).

9. Language Access Services

A.6466-A (Rozic) / S.1022-A (Ramos) – Chapter 622 of the Laws of 2021

This bill would require the New York State Workers’ Compensation Board (“the Board”) to translate all documents and forms used by or issued to injured employees in the ten most commonly used non-English languages spoken in New York State as well as provide interpretation services to injured employees. The Board would also be required to publish a language access plan and appoint a Language Access Coordinator to monitor its

compliance with these new requirements. However, changes to such legislation were subsequently negotiated pursuant to the framework set forth in Approval Memorandum No. 42.

**10. Prohibiting Discrimination and Retaliation Based on Immigration Status
A.6775 (Pichardo) / S.3732 (Comrie) – Ordered to Third Reading**

This bill would amend existing anti-discrimination provisions of the New York State Workers' Compensation Law to prohibit an employer from discriminating or retaliating against any employee who has claimed or attempted to claim compensation or benefits, requested a claim form for injuries, or testified in any proceeding by: (i) contacting or threatening to contact United States immigration authorities; (ii) reporting or threatening to report an employee's suspected citizenship or immigration status to a federal, state, or local agency; or (iii) reporting or threatening to report the suspected citizenship or immigration status of an employee's family or household member to a federal, state, or local agency. This would apply to benefits for workers' compensation, Paid Family Leave, and Temporary Disability Insurance.

**11. Pre-Audit of Expenditures from the State Insurance Fund
A.7286 (Rodriguez) / S.7177 (Krueger) – Veto Memo 89**

This bill would eliminate unconstitutional language in the New York State Workers' Compensation Law which prohibits the pre-audit of expenditures of the New York State Insurance Fund by the New York State Comptroller.

**12. State Insurance Fund Out-of-State Coverage
A.7504 (Joyner) / S.6196 (Krueger) – Chapter 363 of the Laws of 2021**

This law authorizes the New York State Insurance Fund (SIF) to enter into agreements with out-of-state insurers to issue policies to policyholders for their workers' compensation obligations under the laws of other states. For a policyholder to be eligible for workers' compensation coverage under these agreements, (1) the policyholder's workers' compensation premiums with SIF must be greater than any such premiums charged in all other states, in the aggregate; and (2) the policyholder's payroll for operations in New York State must be greater than the policyholder's payroll in all other states, in the aggregate.

E. Other Significant Legislation

**1. Summer Youth Employment Programs Report Chapter Amendment
A.973 (Williams) / S.1300 (Persaud) – Chapter 28 of the Laws of 2021**

This law amended Chapter 297 of the Laws of 2020, which required certain state agencies to produce a report regarding summer youth employment programs (SYEPs) funded by state, federal, and local appropriations, to refine its parameters and make the New York State Office of Temporary and Disability Assistance (OTDA) the lead agency in charge of

such report. Under such legislation, OTDA is required to produce a report on SYEPs by May 1, 2022, and may also consult with the New York State Department of Labor, the State Education Department, or the Office of Children and Family Services during such process.

2. Modular Construction Work

A.2039-A (Dilan) / No Same-As – Advanced to Third Reading

This bill would amend the New York City Administrative Code to require modular construction projects that are to be located in New York City to comply with applicable local plumbing, gas piping, electrical, and fire suppression licensing requirements.

3. Wage Data Clearinghouse

A.2542 (Bronson) / No Same-As – Reported to Ways and Means Committee

This bill would authorize the Commissioner of Labor, in consultation with the Commissioner of Education and the State Workforce Investment Board, to establish a wage data clearinghouse to be administered by an academic institution in New York State. The clearinghouse would be charged with using existing unemployment insurance, labor, education, and workforce development data to evaluate the effectiveness of workforce development and education programs and identify training gaps. The clearinghouse would also be required to issue reports and aggregated data to the New York State Department of Labor (“the Department”) to be made public.

The bill would also establish an advisory board to determine statewide objectives and the priorities of the clearinghouse. The Department would be required to submit an evaluation of the wage data clearinghouse one year after establishment, and every four years thereafter.

4. Veterans’ Benefits and Services Poster

A.3913-A (McMahon) / S.1961-A (Brooks) – Passed Assembly

This bill would require the New York State Department of Labor to consult with the New York State Division of Veterans’ Services to create and distribute a poster for veterans’ benefits and services. Every employer in New York State would be required to display such poster in a conspicuous place accessible to employees in the workplace.

5. Work Opportunity Tax Credit Data Transparency

A.6772 (Joyner) / S.2802 (Bailey) – Chapter 647 of the Laws of 2021

This law requires the New York State Department of Labor to make available on its website certain information about certifications for the federal Work Opportunity Tax Credit as reported by employers, including: the name of the employer; starting wages; target groups; and position information. However, changes to such legislation were subsequently negotiated pursuant to the framework set forth in Approval Memorandum No. 52.

6. Digital Posters and Documents

A.7595 (Otis) / S.6805 (Harckham) – Passed Assembly

This bill would require digital copies of posters and other documents physically posted at an employer's worksite to be made available to employees electronically through the employer's website or email.

7. Service of Notice by Electronic Communication

A.7725-A (Zinerman) / S.7135-A (Ramos) – Chapter 387 of the Laws of 2021

This law authorizes the New York State Department of Labor to provide electronic communications, such as notices, orders, and demands, to individuals with their consent.

▪ STATE FISCAL YEAR 2021-22 ENACTED BUDGET ▪

Each year during budget negotiations, the Assembly Standing Committee on Labor (“the Committee”) strongly advocates for proposals that would support working families and strengthen existing labor programs. The Committee also works closely with the Assembly Standing Committee on Ways and Means to secure funding for various programs and initiatives that help to improve the security and well-being of New York State’s workers and job seekers.

This year, the State Fiscal Year (SFY) 2021-22 Enacted Budget included \$2.1 billion to create the Excluded Workers Fund, the largest program of its kind in the country, in order to provide critical support for workers who have not had access to unemployment benefits, federal stimulus funds, or other assistance funds during the COVID-19 pandemic. It also included a new law to require prevailing wage for construction work on covered renewable energy systems and legislation to make technical changes to Chapter 21 of the Laws of 2021, in relation to excluding unemployment claims from an employer’s experience rating account during the COVID-19 pandemic.

A. Excluded Workers Fund

Last year, when unemployment rates skyrocketed due layoffs, furloughs, and reduced work hours caused by the COVID-19 pandemic, many workers in New York State found themselves excluded from vital assistance such as unemployment benefits and federal stimulus checks due to their exclusion from such programs under federal law. As a result, the SFY 2021-22 Enacted Budget included groundbreaking legislation to create the Excluded Workers Fund, subject to a \$2.1 billion appropriation, to help replace the wages lost by these workers and their families between March 27, 2020 and April 1, 2021.

The Excluded Workers Fund is administered by the New York State Department of Labor and made benefits available to any excluded worker whose gross work-related earnings did not exceed \$26,208 in the 12 months prior to the effective date of the program, similar to the annual income limits set forth for regular state unemployment insurance benefits.

Under the law, the term “excluded worker” includes any individual who:

- Was ineligible for state or federal unemployment benefits during the benefit period, and did not receive any such benefits;
- Was ineligible for the federal stimulus payments; and
- Suffered a loss of work-related earnings or household income due to COVID-19, whether because they lost employment or had reduced work hours, or because they became the breadwinner or major source of income for their household because the head of household died or became disabled.

To qualify, each individual was required to establish proof of identity, proof of residency in New York State, and proof of work-related eligibility in order to qualify for assistance from

the Excluded Workers Fund. Qualified applicants received a one-time payment of one of the following benefits:

1. Tier One: \$15,600 – this represents the \$300 Federal Pandemic Unemployment Compensation benefit that such individuals would have received between March 27, 2020 and April 1, 2021, had they otherwise been eligible for unemployment benefits under federal law.
 - To qualify, applicants must have demonstrated that they filed a tax return for either tax years 2018, 2019, or 2020 using a valid United States Individual Taxpayer Identification Number (ITIN), or produced certain documents to prove their work-related eligibility, as set forth in the law.
2. Tier Two: \$3,200 – this represents the three federal stimulus checks that such individuals would have received between March 27, 2020 and April 1, 2021 had they otherwise been eligible for such assistance under federal law.
 - To qualify, applicants must have produced certain documents to prove their work-related eligibility, as set forth in the law, using a points-based system established by the Commissioner of Labor through regulations.

This legislation also provided for an automatic 5% deduction to be remitted to the New York State Department of Taxation and Finance for the purposes of satisfying the requirements for the withholding of personal income taxes.

Prior to the Commissioner of Labor finalizing any regulations for the fund, the law required the New York State Attorney General to review such regulations for the purposes of ensuring the integrity of the process and to safeguard state funds against fraud and abuse; the law also gave the New York State Comptroller the option to review such regulations.

In addition, the legislation authorized the Commissioner of Labor to establish alternative documents that an applicant may produce to demonstrate proof of identity, residency in New York State, and work-related eligibility. Finally, the law included confidentiality provisions to ensure that applicants' records and information are protected.

B. Prevailing Wage Requirements for Renewable Energy Projects

The SFY 2021-22 Enacted Budget also included significant legislation to require the payment of prevailing wage for construction work on covered renewable energy systems that: (1) have a capacity greater than five megawatts alternating current; and (2) involve the procurement of renewable energy credits (RECs) by a public entity, or a third party acting on behalf and for the benefit of a public entity. This includes renewable energy systems as such term is defined in § 66-p of the New York State Public Service Law, including, but not limited to, solar thermal, photovoltaics, on-land and offshore wind, hydroelectric, and geothermal electric.

The law also:

- Requires owners and developers of covered renewable energy systems to comply with the objectives and goals of minority and/or women-owned business enterprises (MWBEs) and service-disabled veteran-owned business enterprises;
- Requires owners of covered renewable energy systems to stipulate that they will enter into a labor peace agreement with employees who will provide necessary operations and maintenance services for the renewable energy system;
- Requires public entities to ensure that each construction contract or subcontract for a covered renewable energy system shall contain a provision that the iron and structural steel used or supplied for the project shall be produced or made in whole or substantial part in the United States, its territories or possessions; and
- Allows public entities to give significant consideration in the evaluation process to the procurement of equipment and supplies from businesses located in New York State.

C. Unemployment Experience Rating Accounts

Lastly, the SFY 2021-22 Enacted Budget also included legislation to make technical changes to Chapter 21 of the Laws of 2021, in relation to excluding unemployment claims from an employer's experience rating account during the COVID-19 pandemic. This law ensures that unemployment benefits will not be charged against an employer's experience rating through the duration of the state disaster emergency declared due to COVID-19, or December 31, 2021, whichever is later.

▪ PUBLIC HEARINGS AND ROUNDTABLES ▪

A. Employment Opportunities for People with Disabilities

On October 20, 2021, the New York State Assembly Standing Committees on Labor and People with Disabilities and the Subcommittee on Employment Opportunities for People with Disabilities conducted a public hearing in Albany to examine the availability of employment opportunities for people with disabilities, with a specific focus on the availability of services to assist individuals in accessing employment. The hearing sought feedback from relevant stakeholders regarding the availability of employment opportunities for people with all types of disabilities as well as any potential barriers that may exist making it more difficult for such individuals to participate in the workforce.

The Committees heard vital testimony from the New York State Office for People with Developmental Disabilities, the Department of Labor, and the State Education Department's Office of Adult Career and Continuing Education Services concerning the types of programs and services which are available to prepare people with disabilities to obtain gainful employment in New York State. In addition, the Committees heard testimony from advocates and service providers around the state, both in-person and virtually, including SEIU Local 200 United, Cornell University, New York State Industries for the Disabled, Disability Rights New York, Central Association for the Blind and Visually Impaired, and the New York State Association of the Hearing Loss Association of America, as well as numerous parents, workers, and other advocates, who provided insight about the availability of employment opportunities for people with disabilities and the continued need to break down barriers to such opportunities.

B. Impacts of a Prohibition on the Construction of New Fossil Fuel Power Plants

On November 12, 2021, the New York State Assembly Standing Committees on Labor and Energy hosted a roundtable discussion in New York City to examine the implications of preventing the construction of new fossil-fuel major generating facilities. The Committees invited representatives from the Building and Construction Trades Council of Greater New York, the Greater New York Laborers-Employers Cooperation and Education Trust, the New York City and Vicinity District Council of Carpenters, the International Brotherhood of Electrical Workers Local 3, Climate Jobs NY, and other groups to discuss the growth of cryptocurrency mining and its impact on jobs and energy usage in the State. The Committees helped facilitate a productive dialogue among stakeholders concerning the development of major electric generating facilities and whether the construction and operation of any new facilities will serve the public interest and be a beneficial addition to, or substitution for, the electric generation needs of New York State.

C. Employment Trends from the COVID-19 Pandemic

On November 15, 2021, the New York State Assembly Standing Committee on Labor, the Task Force on Women's Issues, and the Subcommittee on Emerging Workforce held a public hearing in Albany to examine employment trends in New York State caused by the COVID-

19 pandemic and to discuss their impact on the workforce, including women in the workforce. The Committees heard testimony from the New York State Department of Labor about how COVID-19 has fast-tracked and exacerbated many employment trends that were already underway before the pandemic, such as automation and job displacement, the changing dynamics between businesses and workers, and a shift in workers' needs and expectations in the current labor market. In addition, worker organizations including the Retail, Wholesale and Department Store Union and One Fair Wage provided important insight concerning workers' experiences in retail and hospitality during the pandemic and the causes of labor shortages in these industries. Further, the Committees also heard testimony from the Nelson A. Rockefeller Institute of Government, the Center for New York City Affairs at The New School, the Consortium for Worker Education, and the Workforce Development Institute regarding the disproportionate impact of COVID-19 across different communities, including women in the workforce, and the significant need for additional training, resources, and support for working families in New York State.

D. Impact of COVID-19 on the Delivery of Health Care and the Health Care Workforce

On November 17, 2021, the New York State Assembly Standing Committees on Labor, Health, and Higher Education conducted a public hearing in New York City to examine how COVID-19 has changed the delivery of health care and its impact on the health care workforce. Further, the Committees sought feedback from witnesses concerning the status of the health care workforce, including rates of attrition, worker wellness, and training and development programs, and the effect of telehealth on access to care for patients and providers. To this effect, the Committees received testimony from the New York State Department of Health and New York City Health and Hospitals regarding the delivery of health care services during the pandemic and ways in which their facilities have adapted to changes in the workforce system.

Further, the Committees heard from health care workers represented by the New York State Nurses Association, the New York State Public Employees Federation, 1199 SEIU, the Communication Workers of America, and the Committee of Interns and Residents about their experiences working in health care over the past two years and how the pandemic has exacerbated existing shortages of nurses and other health care staff. Finally, the Committees also received testimony from medical schools, providers, and associations across the state, including the Healthcare Association of New York State and the Greater New York Hospital Association, regarding the appropriateness of Executive Orders issued during the declared state disaster emergency period in relation to access to health care and training requirements of health care workers as well as the challenges faced by health care facilities and their workforces during the pandemic.

E. Workforce Development

On December 13, 2021, the New York State Assembly Standing Committees on Labor, Economic Development, Job Creation, Commerce and Industry, Higher Education, and Small Business and the Commission on Skills Development and Career Education conducted a public hearing in Albany to examine the overall impact and implementation of the enacted 2021-2022 State Budget as it relates to direct and indirect funding of workforce development programs

administered and/or funded by various State entities. The Committees received testimony from witnesses including Monroe Community College, Oneida County Workforce Development, New York Association of Training and Employment Professionals, 1199 SEIU Training and Employment Funds, Workforce Development Institute, Greater Rochester Chamber of Commerce, Multi-Craft Apprentice Preparation Program, and other important stakeholders on the effectiveness of workforce development programs and recommendations to ensure such programs help the State's economy recover from the COVID-19 pandemic in an equitable and inclusive way.

▪ OUTLOOK FOR 2022 ▪

In the upcoming 2022 Legislative Session, the Assembly Standing Committee on Labor will remain steadfast in its commitment to advancing legislation that aims to strengthen and protect the health, safety, and viability of New York State's workforce. Given the ongoing challenges resulting from the COVID-19 pandemic, the Committee will also continue exploring solutions for reducing unemployment and increasing job opportunities for New Yorkers.

In 2022, the Committee will continue to advocate for the rights of low-income workers and fight to ensure that unscrupulous employers are held accountable for abuses of the New York State Labor Law, including instances of wage theft, retaliation, discrimination, and other harmful employment practices. In the upcoming legislative session, the Committee will remain dedicated to enhancing the rights and benefits of all workers in the State in order to prevent the further erosion of these basic labor protections. Additionally, the Committee will continue to examine the growth of the gig economy and its impact on workers' rights and traditional employment opportunities, including the broader issue of employee misclassification, in order to further protect the diverse workforce in New York State.

In the upcoming session, the Committee will also continue to monitor the recent updates to the unemployment insurance system, including changes to the partial unemployment insurance benefits structure, in order to ensure that claimants have proper access to benefits as we strive to restore the economy and get New Yorkers back to work. The Committee will also continue to monitor the State's workers' compensation system in order to ensure that all injured workers receive timely and appropriate medical care and continue to have access to the rights and benefits promised to them.

As evidenced by this report, the 2021 Legislative Session held many triumphs as well as many challenges for workers throughout New York State. The Committee is prepared to confront these challenges in the 2022 Legislative Session and we look forward to continuing to serve the hard-working people of the great State of New York.

APPENDIX A

2021 SUMMARY SHEET

**Summary of Action on All Bills Referred to the
New York State Assembly Standing Committee on Labor**

Total Number of Committee Meetings Held: 7

	Assembly Bills	Senate Bills	Total Bills
Bills Reported Favorable To:			
Codes	16	0	16
Judiciary	0	0	0
Ways and Means	10	0	10
Rules	7	0	7
Floor	13	0	13
TOTAL	46	0	46
Committee Action			
Held for Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	1	0	1
Remaining in Committee	236	21	257
Bills Reference Changed To:			
Government Operations	2	0	2
Local Governments	2	0	2
Ways and Means	2	0	2
TOTAL	6	0	6

APPENDIX B

CHAPTER LAWS OF 2021

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
9	A.1251 (Reyes)	S.1298 (Savino)	Amends Chapter 253 of the Laws of 2020 to clarify the process by which claimants may request and receive the direct deposit of workers' compensation payments.
21	A.2001-A (Zebrowski)	S.1197 (Persaud)	Establishes that an employer's unemployment experience rating account shall not be charged for any claims related to the COVID-19 pandemic.
26	A.966 (Solages)	S.1299 (Sanders)	Amends Chapter 252 of the Laws of 2020 to require unemployment insurance regulations for work search requirements to take into consideration a claimant's need for childcare.
28	A.973 (Williams)	S.1300 (Persaud)	Amends Chapter 297 of the Laws of 2020 to refine the parameters for certain state agencies to produce a report regarding summer youth employment programs.
30	A.980 (Abbate)	S.1295 (Gouardes)	Amends Chapter 168 of the Laws of 2020 to require public sector employers to prepare a plan for the continuations of operations in the event of a declared state disaster emergency involving a communicable disease.
65	A.974 (De La Rosa)	S.1302 (Ramos)	Amends Chapter 375 of the Laws of 2020 to require the New York State Department of Labor to create and maintain a registry of workplace fatalities in the construction industry.
79	A.5475 (Lunsford)	S.3293 (Ramos)	Extends for three years the provisions of law that prohibit any contractor, subcontractor, or person from bidding on or being awarded a public work contract while debarred from receiving such contracts at the federal level.

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
86	A.1919 (Otis)	S.2074 (Mayer)	Amends Chapter 265 of the Laws of 2020 to require employers to give advance written notice of a mass layoff, relocation, or employment loss to localities under the New York State Worker Adjustment and Retraining (WARN) Act.
87	A.2684 (Galef)	S.2557 (Harckham)	Amends Chapter 384 of the Laws of 2020 to enhance protections for employees at Indian Point Nuclear Power Plant.
88	A.3020-A (Hyndman)	S.4001 (Biaggi)	Amends Chapter 387 of the Laws of 2020, establishing the Healthy Terminals Act, to provide covered airport workers at John F. Kennedy International Airport and LaGuardia Airport with access to affordable health care.
105	A.2681-B (Reyes)	S.1034-B (Gianaris)	Establishes the NY HERO Act to require the New York State Department of Labor to create a model airborne infectious disease exposure prevention standard, require all private sector employers to adopt an airborne infectious disease exposure prevention plan, and authorize the establishment of workplace safety committees.
142	A.7477 (Reyes)	S.6768 (Gianaris)	Amends Chapter 105 of the Laws of 2021, establishing the NY HERO Act, to provide more specific guidance for developing and implementing new workplace standards for airborne infectious disease prevention.
251	A.6337-B (Gunther)	S.5490-B (Hinchev)	Requires the Commissioner of Labor to provide information to unemployment insurance claimants regarding utility assistance and rental mortgage assistance programs.
277	A.2355-A (Stirpe)	S.1042-A (Ramos)	Revises the calculation of unemployment insurance for claimants who are partially unemployed.
305	A.7959 (Stirpe)	S.7148 (Ramos)	Amends Chapter 277 of the Laws of 2021 to establish an interim method for the calculation of partial unemployment benefits until the underlying legislation takes effect.

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
363	A.7504 (Joyner)	S.6196 (Krueger)	Authorizes the New York State Insurance Fund to enter into agreements with out-of-state insurers to issue policies to policyholders.
387	A.7725-A (Zinerman)	S.7135-A (Ramos)	Authorizes the New York State Department of Labor to provide the service of notices, orders, and demands by electronic communication.
397	A.1893 (Simon)	S.858 (Gounardes)	Clarifies that there is no exception to liability under the New York State Labor Law for the unauthorized failure of an employer to pay wages, benefits, or wage supplements.
419	A.3350-A (Joyner)	S.2766-C (Ramos)	Requires contractors making or taking construction contracts to assume liability for any wage claims resulting from the actions of a subcontractor.
420	A.5678 (Joyner)	S.4049 (Ramos)	Extends the length of time that an unemployment insurance claimant shall be eligible for benefits under the Shared Work Program from 26 weeks to 26 times the maximum weekly benefit rate.
422	A.7434-A (De La Rosa)	S.6350-A (Benjamin)	Requires building service workers employed at certain condominiums and cooperatives in New York City to be paid prevailing wage.
458	A.7353 (Bronson)	S.18-A (Mayer)	Requires the New York State Department of Labor to provide informational materials regarding eligibility for the Shared Work Program online and to employers annually.
493	A.7373 (Bronson)	S.17-A (Mayer)	Allows employees to petition their employers to apply for participation in a Shared Work Program.
522	A.5144-A (Benedetto)	S.4394-A (Ramos)	Expands whistleblower protections for employees and independent contractors.
526	A.6424 (Bichotte Hermelyn)	S.661 (Sanders)	Creates a one-year window for surviving spouses and dependents of workers who died as a result of cancer caused by exposure to file a claim for workers' compensation death benefits.

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
550	A.6098-A (Galef)	S.2928-A (Addabbo)	Expands the definition of “family member” under the Paid Family Leave program to include siblings.
583	A.430 (Rosenthal L)	S.2628 (Sanders)	Requires private employers engaged in electronic monitoring to give prior written notice of such activities to employees upon hire.
610	A.7514 (Frontus)	S.3623 (Ortt)	Includes the military transfer of a spouse as a “compelling family reason” for voluntary separation from employment for purposes of unemployment insurance.
622	A.6466-A (Rozic)	S.1022-A (Ramos)	Requires the New York State Workers’ Compensation Board to translate all documents and forms issued to or used by injured workers in the ten most commonly used non-English languages in New York State and make other language access improvements.
647	A.6772 (Joyner)	S.2802 (Bailey)	Would require the New York State Department of Labor to make information about employer certifications for the federal Work Opportunity Tax Credit available on its website.
653	A.7288 (Conrad)	S.6697 (Ramos)	Would extend the Self-Employment Assistance Program for two additional years, until December 7, 2023.
717	A.359-A (Jacobson)	S.6628-A (Skoufis)	Would require the New York State Workers’ Compensation Board to require the Uninsured Employers Fund to commence payment of benefits and schedule a hearing if an employer’s insurance carrier cannot be determined within 10 days of an injured worker filing a new claim.
718	A.386 (Jacobson)	S.829 (Ramos)	Would allow for the correction of mistakes, omissions, defects, and/or other irregularities in applications for appeals and rebuttals to the New York State Workers’ Compensation Board.

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
740	A.6077-A (Rajkumar)	S.3291-A (Salazar)	Would clarify that personal and domestic employees who work at least 20 hours per week are eligible for temporary disability insurance and Paid Family Leave benefits.
772	A.6080 (Lunsford)	S.2623 (Jackson)	Would include childcare as a “compelling family reason” for voluntary separation from employment for purposes of unemployment insurance.
823	A.1106-B (Bronson)	A.255-B (Mayer)	Would require any work involving the delivery and hauling of aggregate supply construction materials to and from public work projects to be subject to prevailing wage requirements.
824	A.1034-B (Bronson)	S.946-B (Gaughran)	Would establish a schedule of attorneys’ fees for legal services in connections with a workers’ compensation claim.

APPENDIX C

BILLS VETOED IN 2021

VETO MEMO	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
89	A.7286 (Rodriguez)	S.7177 (Krueger)	Would eliminate unconstitutional language that prohibits the pre-audit of expenditures of the New York State Insurance Fund by the New York State Comptroller.

APPENDIX D

PASSED ASSEMBLY IN 2021

ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
A.181-A (Gunther)	S.4885-A (Savino)	Would add home care nurses to the restrictions against mandatory overtime by establishing that no health care employer shall require a nurse to work more than their regularly scheduled home care visits.
A.3913-A (McMahon)	S.1961-A (Brooks)	Would require the New York State Department of Labor to create and distribute a poster for veterans' benefits and services.
A.7595 (Otis)	S.6805 (Harckham)	Would require digital copies of posters and other documents physically displayed at an employer's worksite to be made available electronically to employees.