



New York State Assembly

Carl E. Heastie, Speaker

ANNUAL REPORT 2015

A dark blue silhouette of a city skyline, including various skyscrapers and buildings, positioned behind the large white text of the title.

Committee on

Labor

Michele Titus, Chair



MICHELE TITUS
Assemblywoman 31st Assembly District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR:
Legislative Women's Caucus

CHAIR:
Labor Committee

COMMITTEES:
Children and Families
Codes
Education
Judiciary
Children and Families
Ethics and Guidance

SUBCOMMITTEES:
Foster Care
Criminal Procedure

December 15, 2015

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

Dear Speaker Heastie,

I am pleased to submit the 2015 Annual Report of the Assembly Standing Committee on Labor. During the 2015 legislative session, 247 bills were referred to the Committee, several of which were subsequently enacted into the Chapter Laws of 2015.

One of the significant achievements of the Labor Committee this year was the enactment of a bill that would ensure that women receive the wages they were always entitled to by prohibiting differential pay on the basis of sex (Chapter 362 of the Laws of 2015). Employees will also now be able to share wage information without retaliation so that they may discover whether their wages are unequal to their male counterparts. Furthermore, this law will discourage discrepancies in pay and ensure that all employees are being paid fairly by increasing the liquidated damages that an employee may recover for wage violations due to sex discrimination from the current 100% of the amount of wages found to be due to 300% where the violation is willful.

The Committee is also committed to ensuring that all workers in the State of New York are able to afford the basic necessities without the need for government assistance. New Yorkers cannot live on the current minimum wage and the modest increases that we have implemented are not enough to alleviate the plight of low-wage workers in our state who are struggling to make ends meet. This important legislation would raise the minimum wage and tipped wage incrementally until 2019 when it would then be indexed to inflation. The bill further creates a separate minimum and tipped wage for New York City, Nassau, Suffolk, and Westchester counties that would be higher than the minimum and tipped wage for the rest of the state due to those localities' higher costs of living.

Another notable achievement was the Assembly's passage of legislation to ensure that partially unemployed workers have appropriate access to unemployment insurance (UI) benefits. This

legislation would modify the way that unemployment insurance benefits are calculated when a claimant is partially employed. It would base partial unemployment insurance benefits on a claimant's actual part-time earnings, instead of penalizing the claimant with a 25 percent benefit reduction for each day worked regardless of the amount of time worked or wages earned. Using the new calculation, these claimants would see a decrease in their UI benefit that is proportionate to the wages they earn. This new calculation would remove the penalty that workers face when attempting to become gainfully employed after a break in employment and would further reduce the pressure on the trust fund.

Another success of the 2015 legislative session was the Assembly's passage of legislation to provide for paid family leave. Although the federal Family and Medical Leave Act (FMLA) provides important protections, it does not do enough to help New York's hard-working men and women maintain stable work while providing appropriate care for their families. Perhaps most significantly, FMLA entitles eligible employees to utilize up to 12 weeks of unpaid leave. Although they may need to, many workers simply cannot afford to exercise the protections that the law offers. This bill would expand New York's temporary disability benefits program to provide employees with up to 12 weeks of paid leave for family care, including bonding with a newborn or adopted child and caring for a family member who is suffering from a serious health condition. This bill would ensure that workers who cannot afford to take unpaid leave have the option to care for their families while remaining connected to the workforce.

Under your leadership, the Labor Committee stands ready to meet the challenges of the upcoming 2016 legislative session with a continued commitment to policies that improve the lives of workers, job seekers, and their families. I would like to thank the members of the Labor Committee for their hard work and dedication to the workforce that drives New York State, and to you, Mr. Speaker, for your leadership and your indelible commitment to the people of this great state.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Titus". The signature is written in a cursive, flowing style.

Michele Titus
Member of Assembly

NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON LABOR

Hon. Michele Titus, Chair

▪ MEMBERS ▪

Majority

Peter J. Abbate, Jr.
Barbara M. Clark
N. Nick Perry
Felix W. Ortiz
William Colton
Margaret M. Markey
Michael R. Benedetto
Andrew D. Hevesi
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Michael Miller
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Samuel Roberts
Robert J. Rodriguez
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Shelley Mayer
James Skoufis
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Jo Anne Simon
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Ranker
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Michael J. Fitzpatrick
Joseph S. Saladino
Brian F. Curran
David J. DiPietro
Angela Wozniak

▪ COMMITTEE STAFF ▪

Jennifer Best, Assistant Secretary for Program and Policy
Jermaine Brookshire, Jr., Analyst
Abby Brinkerhoff, Associate Counsel
Fletcher Whyland, Committee Assistant
Claude Nelson, Committee Clerk
Sarah Conklin, Administrative Assistant

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– INTRODUCTION –

Each session the Standing Committee on Labor considers legislation relevant to the working people and businesses of New York State. The Committee is responsible for protecting fundamental workers' rights such as the minimum wage, workplace safety, the right to organize, and a day of rest. The legislation considered affects the lives and livelihood of New York's workers, as well as the overall economy. In 2015, there were 247 bills referred to the Committee, 41 of which were reported, 23 of which were passed by the Assembly, 7 of which were chaptered, and 3 of which were vetoed by the Governor.

The Committee considers bills from a number of sources including Members of the Assembly, the Governor, and various departments of the executive. The Governor requests program bills and the Department of Labor, the Workers' Compensation Board, and the State Insurance Fund request departmental bills. Many of these bills address administrative issues which allow these departments and the programs that they oversee to run more efficiently, while others allow for stronger statutes and enforcement of current law in order to strengthen protections for workers.

The Committee also generates bills at the request of constituents, collective bargaining organizations, think-tanks, and worker advocacy groups. A representative sample of the legislative proposals acted upon this year included consideration of a bill that would restrict certain entities that have been debarred for wage violations on federal public works projects from bidding on New York State public works contracts, a bill that would prohibit employers from discriminating against the reproductive decisions of employees and their dependents, and a bill that establishes the guidelines for the inspection and maintenance of elevators.

During budget negotiations, the Committee works with the staff of the Ways and Means Committee in order to provide funding for numerous programs and initiatives to improve the quality of life of New York State's workers and job seekers. The 2015-16 enacted budget also included legislation to protect healthcare professionals from retaliation by their employers for volunteering overseas to fight Ebola, waive the asbestos project notification fees paid for by cities, towns, and villages for certain projects, and repeal a number of superfluous fees that were collected by the Department of Labor and the Workers' Compensation Board.

The Committee also holds hearings and/or roundtables each year on important issues that affect the state workforce. These public forums serve as a sounding board wherein professionals, academics, workers, businesses, and other constituents provide testimony and engage in a discussion with Members of the Assembly. This year, the Committee held a roundtable discussion in Albany on pay equity among women and other minorities in New York State as well as a roundtable discussion in Rochester, New York on the current state of apprenticeship programs. The feedback at the apprenticeship roundtable prompted the Committee to conduct a budget hearing in New York City to further the discussion on the needs and role of apprenticeship programs within New York State.

Moving forward, the Committee remains dedicated to protecting the fundamental rights of New York's workers as well as strengthening government oversight and protections for New York's workforce.

– SIGNIFICANT LEGISLATION –

WAGE AND HOUR STANDARDS

One of the most important areas within the jurisdiction of the Committee is wage and hour standards. The New York State Department of Labor has enforcement authority over several provisions of the Labor Law relating to: the minimum wage; standards for hours of work; the prevailing wage; child labor; farm labor; payment of wages and supplements; and working conditions. Each year, in its consideration of the many proposals submitted on these issues, the Committee strives to advance fair and balanced legislation that protects the safety and well-being of all workers. In 2015, the Committee reported several bills to expand wage and hour protections, eliminate discrimination and encourage pay equity in the workplace, increase the minimum wage, and assist workers who need to take time away from work to care for a family member or provide important emergency services.

Significant Legislation:

A.1142-A (Jaffee)/ S.2709-A (Krueger) – This bill would prohibit employers from discriminating or taking any retaliatory personnel action against an employee based upon their or their dependent’s reproductive health decisions. Additionally, the bill establishes a private right of action. (Passed Assembly)

A.3328 (Wright) – This bill would enact the “Roadway Excavation Quality Assurance Act,” requiring that whenever the state, a county, or a municipality issues a permit to a utility company allowing them to excavate a public thoroughfare in order to perform work beneath the street, the utility company must use competent workers and pay the prevailing wage. (Advanced to 3rd Reading)

A.5414 (Bronson)/ S.3995 (Martins) – This bill would establish reciprocity of debarments under the federal Davis-Bacon Act by barring certain entities that have been declared ineligible to receive federal contracts for wage violations on federal public works projects from bidding on public works projects in New York. (Passed Assembly)

A.7257 (Titus)/ S.5602 (Panepinto) – This bill would raise the minimum wage incrementally until 2019 when it would then be indexed to inflation. This bill would also establish a separate minimum wage and tipped wage rate for New York City, Nassau, Suffolk, and Westchester counties that would be higher than the minimum and tipped wage for the rest of the state. (Passed Assembly)

A.6075 (Titus)/ S.1 (Savino) – This bill ensures that women will receive the wages they are entitled to by prohibiting differential pay on the basis of sex and allows employees to share wage information without retaliation so that they may discover whether their wages are unequal to their male counterparts, as well as providing for increased liquidated damages. (Chapter 362 of the Laws of 2015)

A.6937 (Titus)/ S.2707-A (Krueger) – This bill would establish that paying different wages between employees on the basis of sex, race, or national origin is discriminate and an unlawful employment practice. (Passed Assembly)

UNEMPLOYMENT INSURANCE

Unemployment Insurance (UI) was designed to serve as a financial safety net for workers who are ready, able, and willing to work, but who have lost their employment through no fault of their own. This very important protection ensures that while searching for new employment opportunities, these individuals are able to meet their basic financial needs and protect the well-being of themselves and their families. In 2015, the Committee advanced legislation to ensure that workers stay connected to the workforce through proper access to unemployment insurance benefits.

Significant Legislation:

A.4780 (Solages)/ S.5661 (Sanders) – This bill would require that the Department of Labor’s unemployment insurance work search regulations take into account the need for claimants to provide child care for their children, ensuring that unemployment insurance claimants who are providing child care for their children are able to satisfy the standards for proof of work search efforts and are not denied unemployment insurance benefits if otherwise qualified. (Passed Assembly)

A.4839 (Moya)/ S.2873-A (Savino) – This bill would modify the way that unemployment insurance benefits are calculated by basing partial unemployment insurance benefits on a claimant’s actual part-time earnings, instead of penalizing the claimant with a 25 percent benefit reduction for each day worked regardless of the amount of time worked or wages earned. This new calculation would remove the penalty that workers face when attempting to become gainfully employed after a break in employment and would further reduce the pressure on the trust fund. (Passed Assembly)

A.7004 (Lupardo) – This bill would include child care as a compelling family reason for voluntary separation from employment in order to ensure that certain workers who have separated from employment due to child care obligations, and have made reasonable efforts to secure alternative child care, are not denied unemployment insurance benefits if otherwise qualified. (Passed Assembly)

A.7875 (Titus) – This bill would clarify that an offer of employment made to a part-time faculty member by a higher education institution which is contingent on factors such as enrollment or funding does not constitute “reasonable assurance” of continued employment and thus would not bar such faculty member from receiving unemployment insurance benefits if otherwise qualified. (Reported to Ways and Means)

WORKERS' COMPENSATION

Workers' compensation insurance provides weekly cash benefits for employees who become disabled as a result of disease or injury connected with their employment and also covers the cost of medical treatment, including rehabilitation. It also provides payments for qualified dependents of a worker who dies from a compensable illness or injury. The total cost of these benefits is borne by the employer. The New York State Workers' Compensation Board is the agency charged with the administration and adjudication of claims. Each year, the Committee considers legislation that would facilitate the administration of claims while ensuring that injured workers are provided with treatment options that meet their needs.

Significant Legislation:

A.2116 (Zebrowski)/ S.2718 (Griffo) – This bill would authorize the care and treatment of injured employees by certified physical therapist assistants under the workers' compensation program. (Advanced to 3rd Reading)

A.2462 (Bronson) – This bill would authorize the care and treatment of injured workers by licensed or certified acupuncturists under the workers' compensation program. (Advanced to 3rd Reading)

A.3504 (Wright)/ S.2837 (Savino) – This bill would clarify the original intent of the Domestic Workers Bill of Rights by providing that domestic employees who work at least twenty hours per week and have been employed for a period of four weeks are eligible for temporary disability benefits. (Advanced to 3rd Reading)

A.7394 (Mosley)/ S.5025 (Golden) – This bill allows authorized no-fault insurers to apply workers' compensation guidelines and procedures to injured livery drivers. (Chapter 452 of the Laws of 2015)

A.7505 (Simon)/ S.4925 (Seward) – This bill would delete language added by Chapter 635 of the Laws of 1996 to clarify that payments made from the State Insurance Fund are subject to pre-audit by the State Comptroller. (Veto 240)

A.7885 (Cahill)/ S.5783 (Martins) – This bill would establish parity amongst pharmacists and other physicians under Workers' Compensation by requiring that insurance carriers provide payment for pharmaceutical services or give notice of the denial within forty-five days after the bill is rendered. (Passed Assembly)

A.8259-A (Morelle)/ S.5979 (Rules) – This bill clarifies that the Workers' Compensation Board may make an interim assessment within the first 120 days after a group self-insurer defaults and may make subsequent and further assessments as appropriate. These subsequent and further assessments are not limited to the 120 day time frame. (Chapter 66 of the Laws of 2015)

OTHER SIGNIFICANT LEGISLATION

EMPLOYEE PRIVACY

A.4388 (Dinowitz) – This bill would prohibit an employer or educational institution from requiring that an employee, applicant, student, or prospective student disclose means for accessing a personal electronic communications account. (Advanced to 3rd Reading)

PAID FAMILY LEAVE

A.3870 (Nolan)/ S.3004 (Addabbo) – This bill would expand New York’s temporary disability benefits program to provide employees with up to 12 weeks of paid leave for family care, including bonding with a newborn or adopted child, caring for a family member who is suffering from a serious health condition, or any qualifying need arising from the active military duty of an employee’s spouse, domestic partner, child, or parent. This bill would entitle employees taking leave for a personal disability or for family care to 2/3 of their average weekly wage, up to a cap of 50 percent of the statewide average weekly wage by 2018. Currently, employees are only covered for a personal disability, and are only entitled to 50 percent of their average weekly wage, up to a cap of \$170 per week. This bill would provide anti-retaliation and job protections for all employees who take leave for family care. (Passed Assembly)

MOLD TREATMENT

A.4759 (Kaminsky)/ S.3674 (Savino) – This chapter amendment furthers the goals of Chapter 551 of the Laws of 2014 by providing technical clarity that establishes that the licensing requirements shall only apply to mold projects defined as areas greater than 10 square feet, providing for an increase in the licensure fees, exempting governmental units and specified apartment buildings, and repealing the Mold Assessment and Remediation Account. (Chapter 90 of the Laws of 2015)

ELEVATOR SAFETY

A.1787 (Wright)/ S.1945 (Bonacic) – This bill would establish guidelines and standards for the inspection and maintenance of elevators and other automated people moving devices and prescribes the required licenses and certifications for individuals that would be authorized to perform such work. (Passed Assembly)

WHISTLEBLOWER PROTECTIONS

A.5754 (Benedetto) – This bill would extend anti-retaliation or “whistleblower” protections to employees and former employees who disclose or threaten to disclose illegal business activities by their employer. (Advanced to 3rd Reading)

– PUBLIC HEARINGS –

Pay Equity Among Women and Other Minorities in New York State

On April 27, 2015, the Committee on Labor and the Task Force on Women’s Issues held a roundtable discussion on pay equity among women and other minorities in New York State. The purpose of the roundtable was to engage in a discussion on the current trends in employment practices regarding pay discrimination, the resources currently available to individuals who are being discriminated against on the basis of sex or race, and how the wage gap has impacted women and families in the State of New York.

The Committee heard from the New York Civil Liberties Union; the Women’s Equality Coalition; League of Women Voters of NYS; A Better Balance; Cornell University School of Industrial and Labor Relations; PowHer NY Equal Pay Campaign; Votes for Women 2020; and other stakeholders concerned with the state of pay equity in New York. The majority of those testifying expressed concerns with the fact that today women in New York State are paid 86 percent of what men are paid for equivalent work. The reality that women and minorities still earn less than non-minority men for jobs that require the same skills, responsibilities, and working conditions is unacceptable and the Committee remains steadfast in our commitment to put an end to this continual practice of pay inequity in our state.

As the 2016 session approaches, the Committee will further consider the testimony and remain committed to advancing legislation that serves to ensure that everyone in the State of New York gets the pay they are entitled to regardless of sex, race, or national origin.

Discussion of the Current State of Apprenticeship Programs

On October 20, 2015, the New York State Assembly Committees on Labor and Small Business and the Commission on Skills Development and Career Education held a roundtable discussion to consider actions that could be taken to expand apprenticeship opportunities, in traditional and non-traditional fields. The purpose of the roundtable was to discuss the current state of apprenticeship programs and to consider options for and possible barriers to their expansion.

The Committee heard from several unions, the building and construction trades council, and concerned stakeholders from community and private colleges as well as the Acting Commissioner of the Department of Labor on apprenticeship programs. Some of the issues discussed were education and awareness of apprenticeship programs, retention of apprentices, and inter-communication/cooperation between resources.

Examination of the Status and the Role of Apprenticeship Programs in New York State

On December 9, 2015, the New York State Assembly Committees on Labor and Small Business and the Commission on Skills Development and Career Education held a public hearing to continue their review of the status and role of apprenticeship programs throughout the state of New York. The purpose of the hearing was to gain a better understanding of any possible barriers associated with apprenticeship programs and to find out the best practices of successful programs that could be replicated to ensure that every New Yorker across the state that is interested in apprenticeship programs are connected with opportunities to gain proper training and ultimately receive good paying, safe jobs.

The Committee heard testimony from representatives from the Building and Construction Trades Council of Greater New York, the Edward J. Malloy Initiative for Construction Skills, New York City Helmets to Hardhats, Inc., the New York City Community Alliance for Workers Justice, and NPower. Witness testimony covered several areas of concern: retention rates, outreach, access to apprenticeship programs for non-union workers, and job creation. The Committee will continue to review how best to aid apprenticeship programs with their retention and job placement goals in addition to educating all New Yorkers of the benefits and viable career opportunities available to them through successful completion of apprenticeship programs.

– OUTLOOK FOR 2016 –

For the 2016 legislative session, the Labor Committee is committed to continuing to advance legislation that would ensure the health, safety, and viability of the workforce in New York State while fostering a balanced relationship between businesses and other employers.

The Committee will remain diligent in our efforts to accelerate the statutory minimum wage increase schedule and ensure that as the cost of living increases, so will New York's minimum wage. The time is now for us to put an end to allowing employers to pay wages that are insufficient for New Yorkers to afford basic necessities and independently provide for their families. On December 31, 2015, the minimum wage will increase to \$9.00 per hour and although this is a step in the right direction, the Committee understands that this wage increase is not enough for New Yorkers to relieve themselves from a reliance on public assistance for food and shelter. In 2016, we will continue to fight for the families of the great State of New York by restoring dignity in the rate of pay for over a million hardworking New Yorkers by raising the minimum wage.

The Committee will also continue to promote legislative proposals that ensure pay equity and seek to fine tune work-life balance, such as paid leave for family care, and provide that the children of New York's workforce are cared for.

APPENDIX A 2015 SUMMARY SHEET

2015 Summary of Action on all Bills
Referred to the Committee on Labor

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	4		4
TO WAYS AND MEANS	8		8
TO CODES	18		18
TO RULES	11		11
TO JUDICIARY	0		0
TOTAL	41		41
BILLS HAVING COMMITTEE REFERENCE CHANGED	2		2
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		2	2
RECALLED		1	1
TOTAL		3	3
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE	0	0	0
BILLS NEVER REPORTED, HELD IN COMMITTEE	180	15	195
BILLS HAVING ENACTING CLAUSES STRICKEN	8	0	8
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	229	18	247
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	9		

**APPENDIX B
CHAPTERS OF 2015**

Bill / Sponsor	Summary	Final Action
A.1267/ S.1319 Lupardo/ Savino	This chapter amendment makes technical changes to Chapter 537 of the Laws of 2014, repeals the Wage Theft Prevention Account, removes language requiring the Department of Labor to investigate wage theft allegations for the entire six-year statute of limitations period, and provides an immediate effective date for the repeal of the annual wage notice requirement.	Chapter 2
A.4759/ S.3674 Kaminsky/ Savino	This chapter amendment furthers the goals of Chapter 551 of the Laws of 2014 by providing technical clarity that establishes that the licensing requirements shall only apply to mold projects defined as areas greater than 10 square feet, providing for an increase in the licensure fees, exempting governmental units and specified apartment buildings, and repealing the Mold Assessment and Remediation Account.	Chapter 90
A.6075/ S.1 Titus/ Savino	Ensures that women will receive the wages they are entitled to by prohibiting differential pay on the basis of sex and allows employees to share wage information without retaliation so that they may discover whether their wages are unequal to their male counterparts, as well as provide for increased liquidated damages.	Chapter 362
A.7394/ S.5025 Mosley/ Golden	Allows authorized no-fault insurers to apply workers' compensation guidelines and procedures to injured livery drivers.	Chapter 452
A.7594/ S.5623 Titus/ Young	Extends the authorization for employers to make permitted deductions from wages from their employees to November 6, 2018.	Chapter 386
A.7595/ S.5860 Schimminger/ Golden	Extends certain provisions of the labor law relating to the establishment and operation of the Self-Employment Assistance Program to December 7, 2017.	Chapter 457
A.8259-A/ S.5979 Morelle/ Rules	Clarifies that the Workers' Compensation Board may make an interim assessment within the first 120 days after a group self-insurer defaults and may make subsequent and further assessments as appropriate.	Chapter 66

APPENDIX C
BILLS THAT WERE REPORTED IN 2015

Bill / Sponsor	Summary	Final Action
A.995/ No Same As Rosenthal	Would require that employers who use electronic monitoring of any kind must give notice to employees upon hiring. The bill would also require such notice to be posted in a conspicuous place and manner.	Advanced to Third Reading
A.1142-A/ S.2709-A Jaffee/ Krueger	Would prohibit employers from discriminating or taking any retaliatory personnel action against an employee based upon their or their dependent's reproductive health decisions. Additionally, the bill establishes a private right of action.	Passed Assembly
A.1267/ S.1319 Lupardo/ Savino	This chapter amendment makes technical changes to Chapter 537 of the Laws of 2014, repeals the Wage Theft Prevention Account, removes language requiring the Department of Labor to investigate wage theft allegations for the entire six-year statute of limitations period, and provides an immediate effective date for the repeal of the annual wage notice requirement.	Chapter 2
A.1787/ S.1945 Wright/ Bonacic	Would establish the guidelines for the inspection and maintenance of elevators and require the licensing of persons hired to design, construct, inspect, maintain, alter, and repair elevators, stairway chair lifts, escalators, moving walkways, etc.	Passed Assembly
A.2116/ S.2718 Zebrowski/ Griffo	Would allow certified physical therapist assistants to provide care under the workers' compensation system.	Advanced to Third Reading
A.2462/ No Same As Bronson	Would authorize duly licensed acupuncturists to treat injured workers under workers' compensation. Additionally, the bill authorizes the Workers' Compensation Board to set a fee schedule for acupuncture treatment.	Advanced to Third Reading
A.3109-A/ S.2590-A Morelle/ Gallivan	Would authorize employers to pay wages to employees through the use of payroll cards upon receiving written or electronic authorization in advance by the employee.	Reported to Rules
A.3328/ No Same As Wright	Would require that whenever the state, a county, or municipality issues a permit to a utility company allowing them to excavate a street in order to perform work beneath the street, the utility company must use competent workers and pay the prevailing wage.	Advanced to Third Reading
A.3390-A/ S.4402-A Titone/ Martins	Would clarify that professional musicians or other performing artists who are deemed excluded from workers' compensation coverage due to their status as an executive officer of a corporation shall not be considered an employee	Passed Both Houses

	of the production company or venue in which they perform once they elect to waive coverage after suffering a covered injury and if they are covered by a collective bargaining agreement, upon consent of their election by the union.	
A.3504/ S.2837 Wright/ Savino	Would clarify that domestic workers who work at least twenty hours per week and meet the duration of employment standard of four weeks are covered under the temporary disability benefits law.	Advanced to Third Reading
A.3870/ S.3004 Nolan/ Addabbo	Would expand New York's temporary disability benefits program to ensure that employees who need to provide family care receive paid leave to do so and are protected from retaliatory action by the employer for utilizing such leave.	Passed Assembly
A.4388/ No Same As Dinowitz	Would prohibit an employer/educational institution from requiring that an employee, applicant, student, or prospective student disclose identifying information used to access a personal account or service through an electronic communications device.	Advanced to Third Reading
A.4495/ No Same As Clark	Would require the Commissioner of Labor to implement an online program that allows employees to file a complaint and access the status of their case.	Reported to Ways and Means
A.4759/ S.3674 Kaminsky/ Savino	This chapter amendment furthers the goals of Chapter 551 of the Laws of 2014 by providing technical clarity that establishes that the licensing requirements shall only apply to mold projects defined as areas greater than 10 square feet, providing for an increase in the licensure fees, exempting governmental units and specified apartment buildings, and repealing the Mold Assessment and Remediation Account.	Chapter 90
A.4762/ S.1291 Nolan/ Espaillat	Would ensure that farm workers receive the same workers' compensation, unemployment insurance, and minimum wage protections as other workers. The bill grants collective bargaining rights, overtime compensation, disability benefits, and a day of rest for farm workers.	Reported to Ways and Means
A.4780/ S.5661 Solages/ Sanders	Would require the Department of Labor's work search regulations to take into account the need for unemployment insurance claimants to provide child care for their children.	Passed Assembly
A.4839/ S.2873-A Moya/ Savino	Would ensure that partially unemployed workers have access to unemployment insurance benefits by modifying the way that unemployment insurance benefits are calculated.	Passed Assembly
A.4910-A/ S.613-A Perry/ Boyle	Would establish that an employee who is also the sole shareholder, member, or partner of their respective business may choose to opt-in to receive unemployment coverage by filing an application with the Commissioner of Labor and by	Passed Assembly

	paying the appropriate contributions.	
A.5143-A/ S.3151-A Seawright/ Stavisky	Would require notice of contraceptive coverage be provided to jobseekers on the face of the application or on a separate written notice form and to current employees at least ninety days prior to an employer alteration, restriction, or elimination of such contraceptive coverage from their employment-based health insurance plans.	Reported to Codes
A.5414/ S.3995 Bronson/ Martins	Would provide for the restriction of certain entities that have been debarred for wage violations on federal public works projects from bidding on New York State public works contracts.	Passed Assembly
A.5561/ S.2768 Titus/ Savino	Would ensure that partially disabled workers who are unable to work because of their injury are not denied workers compensation benefits by providing a statutory standard for labor market attachment in workers' compensation claims.	Advanced to Third Reading
A.5754/ No Same As Benedetto	Would extend whistleblower protections to include public employees and former employees who disclose or threaten to disclose illegal business activities by their employer.	Advanced to Third Reading
A.6075/ S.1 Titus/ Savino	Ensures that women will receive the wages they are entitled to by prohibiting differential pay on the basis of sex and allows employees to share wage information without retaliation so that they may discover whether their wages are unequal to their male counterparts, as well as provide for increased liquidated damages.	Chapter 362
A.6937/ S.2707-A Titus/ Krueger	Would establish that paying different wages between employees on the basis of sex, race, or national origin is discriminate and an unlawful employment practice.	Passed Assembly
A.7004/ No Same As Lupardo	Would include child care as a compelling family reason for voluntary separation from employment in order to ensure that certain workers who have separated from employment due to child care obligations, and have made reasonable efforts to secure alternative child care, are not denied unemployment insurance benefits if otherwise qualified.	Passed Assembly
A.7257/ S.5602 Titus/ Panepinto	Would raise the minimum wage incrementally until 2019 when it would then be indexed to inflation. This bill would also establish a separate minimum wage and tipped wage rate for New York City, Nassau, Suffolk, and Westchester counties that would be higher than the minimum and tipped wage for the rest of the state.	Passed Assembly
A.7285/ S.4956 Wright/ Robach	Would require that utility companies who receive a permit to do work on a street for natural gas distribution and transmission systems from the state, a county, or municipality pay prevailing wage and use competent workers.	Advanced to Third Reading

A.7394/ S.5025 Mosley/ Golden	Allows authorized no-fault insurers to apply workers' compensation guidelines and procedures to injured livery drivers.	Chapter 452
A.7504/ S.4850 Mayer/ Martins	Would clarify that where an individual is found to be performing services that constitute employment among multiple entities; the employer who pays an employee for their services shall be considered the employer even if such employee was supervised by a separate entity.	Advanced to Third Reading
A.7505/ S.4925 Simon/ Seward	Would delete language added by Chapter 635 of the Laws of 1996 to clarify that payments made from the State Insurance Fund are subject to pre-audit by the State Comptroller.	Veto Memo 240
A.7515/ No Same As Titus	Would increase the compensation rate for assigned counsel representing claimants on appeals to the appellate division in unemployment insurance cases to \$75 per hour not to exceed \$2,000 for each case.	Reported to Ways and Means
A.7548/ S.2155 Silver/ Golden	Would grant the Department of Labor broader oversight over freelance employment contracts, affording independent contractors the same compensation guarantees as traditional employees.	Reported to Codes
A.7594/ S.5623 Titus/ Young	Extends the authorization for employers to make permitted deductions from wages from their employees to November 6, 2018.	Chapter 386
A.7595/ S.5860 Schimminger/ Golden	Extends certain provisions of the labor law relating to the establishment and operation of the Self-Employment Assistance Program to December 7, 2017.	Chapter 457
A.7721/ S.5130 Peoples-Stokes/ Martins	Would require not-for-profit corporations to develop and implement workplace violence programs by including within the definition of "employer" not-for-profit corporations who have received at least 50% of their budget through municipal, state, or federal government sources, including, but not limited to Medicaid or Medicare during the previous fiscal year.	Veto Memo 242
A.7753/ S.4975 Morelle/ Amedore	Would exclude from the definitions of employment and employee certain newspaper delivery persons from provisions of the Labor Law and Workers' Compensation Law for the purposes of unemployment benefits, minimum wage, and workers' compensation.	Veto Memo 273
A.7821/ No Same As Miller	Would extend certain provisions of the labor law that establish when employers would not be charged for unemployment insurance claimants when they participate in the Shared Work Program to August 23, 2017.	Passed Assembly
A.7875/ No Same As Titus	Would clarify that offers of employment for subsequent academic terms which are contingent upon factors such as	Reported to Ways and Means

	funding or matriculation rates shall not constitute "reasonable assurance" of continued employment and therefore shall not bar an employee from collecting unemployment insurance compensation while out of work.	
A.7876/ S.2578 Titus/ Parker	Would require both public and private employers to provide employees and former employees who have separated with them for no longer than three years with their personnel file at no cost to the employee at least once per year upon request.	Reported to Codes
A.7885/ S.5783 Cahill/ Martins	Would establish parity amongst pharmacists and other physicians under Workers' Compensation by requiring that insurance carriers provide payment for pharmaceutical services or give notice of the denial within forty-five days after the bill is rendered.	Passed Assembly
A.8259-A/ S.5979 Morelle/ Rules	Clarifies that the Workers' Compensation Board may make an interim assessment within the first 120 days after a group self-insurer defaults and may make subsequent and further assessments as appropriate. These subsequent and further assessments are not limited to the 120 day time frame.	Chapter 66

**APPENDIX D
BILLS THAT WERE VETOED IN 2015**

Bill / Sponsor	Summary	Final Action
A.7505/ S.4925 Simon/ Seward	Would delete language added by Chapter 635 of the Laws of 1996 to clarify that payments made from the State Insurance Fund are subject to pre-audit by the State Comptroller.	Veto Memo 240
A.7721/ S.5130 Peoples-Stokes/ Martins	Would require not-for-profit corporations to develop and implement workplace violence programs by including within the definition of “employer” not-for-profit corporations who have received at least 50% of their budget through municipal, state, or federal government sources, including, but not limited to Medicaid or Medicare during the previous fiscal year.	Veto Memo 242
A.7753/ S.4975 Morelle/ Amedore	Would exclude from the definitions of employment and employee certain newspaper delivery persons from provisions of the Labor Law and Workers' Compensation Law for the purposes of unemployment benefits, minimum wage, and workers' compensation.	Veto Memo 273