

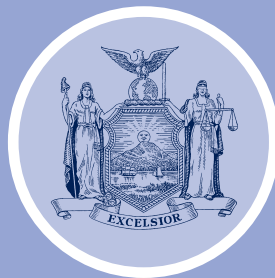


NEW YORK STATE ASSEMBLY

A N N U A L

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R E P O R T



**Committee on
Labor**

Keith L.T. Wright, Chairman

SHELDON SILVER, SPEAKER



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ALBANY

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December 15, 2012

The Honorable Sheldon Silver
Speaker of the Assembly
Room 932 - Legislative Office Building
Albany, New York 12248

Dear Speaker Silver,

I am pleased to submit the 2012 Annual Report of the Assembly Standing Committee on Labor. During the 2012 legislative session, 251 bills were referred to the Committee, several of which were subsequently enacted among the Chapter Laws of 2012.

The Committee reported 39 bills which included proposals seeking to amend the Labor Law as it relates to: raising the statutory minimum wage in New York State; the definition of independent contractors; licensing requirements for individuals performing elevator work; standards for contracts between certain employment agencies and their clients; enacting the "New York State Fair Pay Act"; and, strengthening the ability of the Department of Labor (DOL) to enforce the state's prevailing wage laws.

As you well know, one of the Labor Committee's most important responsibilities to the working men and women of our state is to ensure that the wages they earn for their labor are sufficient to afford them a basic standard of living that does not compromise their health or well-being. In New York State there are over 250,000 people earning at or below the current minimum wage of \$7.25 per hour. For these individuals and the families they support, this wage is far from sufficient to afford life's simplest necessities, let alone a desirable standard of living. Assembly bill 9148 was advanced to make it clear that one cannot live in New York State on \$7.25 an hour. The bill would have raised the statutory minimum wage to \$8.50 an hour and required that beginning on January 1, 2014 and annually thereafter on such date, the minimum wage shall be indexed for inflation. After being reported from Committee, A.9148 (Wright) went on to pass the Assembly amidst overwhelming support for the plight of the low-wage workers in our state who are struggling against tremendous obstacles to make ends meet.

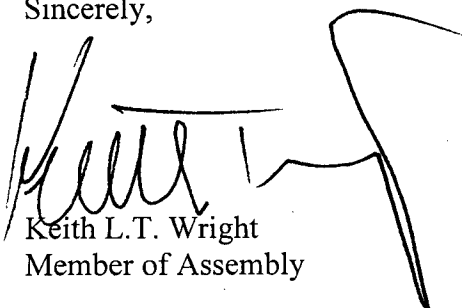
On the issue of fair wages, I must highlight the Committee's victory in securing the passage of landmark prevailing wage legislation. In 2007, the Committee obtained the enactment of a Chapter which temporarily put an end to the efforts of unscrupulous contractors who seek to evade prevailing wage requirements on public works contracts by subcontracting with a third party for the provision of labor. This critically important statute would have expired this year without the passage of A.9832 (Wright) which was signed, Chapter 389 of the Laws of 2012. Chapter 389 provides the Department of Labor with permanent authority to enforce the provisions of Article 8 of the Labor Law, which governs prevailing wages on public works projects, on projects where the involvement of a third party obviates the existence of a direct contractual relationship between the public owner and the contractor performing the work, by providing that such an arrangement constitutes a "contract" for purposes of Article 8.

Another notable achievement of the 2012 legislative session was the long awaited passage of legislation to require the licensing of contractors and the certification of individuals involved in elevator and other automated people moving conveyances projects. New York City alone is home to over 60,000 elevators, representing about 10% of all the elevators in the nation. These devices transport millions of people every day and it is imperative that the individuals charged with ensuring their safe operation be adequately trained and certified to perform such work. Assembly bill 8359 (Wright) would have amended the Labor Law to require the licensing and training of elevator contractors, elevator mechanics and elevator inspectors and established penalties for violations of this requirement. The bill was reported from the Labor Committee and went on to achieve unanimous passage in the Assembly.

While these last few years have presented daunting challenges to the state's working class and the small businesses that employ so many workers, the Committee continues to pursue a balanced solution to the ever present issues facing the Unemployment Insurance and Workers' Compensation systems. Both of these benefits have been instrumental in helping working families remain solvent during periods of employment uncertainty and physical disability. Nevertheless, Mr. Speaker, we must remain diligent in our efforts to improve the sustainability of these systems. With each year that passes, our failure to do so only grows more and more costly for the State.

Under your leadership, the Labor Committee stands ready to meet the upcoming 2013 legislative session with renewed zeal for the protection of the laboring class amidst changing job climates and, for many, continued economic doubt. I would like to thank you for your unwavering commitment to the people of our great state, and to the members of the Labor Committee for their hard work and support in all our efforts.

Sincerely,



Keith L.T. Wright
Member of Assembly

**2012 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON LABOR**

HON. KEITH L. T. WRIGHT, CHAIRMAN

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John Svare, Associate Counsel
Najay Roache, Analyst
Francisco Polanco, Committee Clerk
Sarah Conklin, Administrative Assistant

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- INTRODUCTION -

In 2012, there were 251 bills referred to the Assembly Standing Committee on Labor on a variety of issues affecting the working men and women of New York State and the entities that employ them. The Committee's jurisdiction encompasses wage standards, including minimum wage and prevailing wage; worker rights relating to a safe work environment and the ability to organize, as well as standards for unemployment insurance and workers' compensation.

The Committee considers legislation from a variety of sources including members of the Assembly, bills submitted for consideration by the governor and, those submitted at the request of state offices or other agencies which include the Department of Labor, the Workers' Compensation Board, the Office of the State Comptroller or the Office of the Attorney General. The Committee also generates legislation at the request of constituents, collective bargaining organizations, think-tanks and worker advocacy groups.

During the 2012 legislative session, the Committee advanced important legislation that was subsequently enacted into law to make permanent the Department of Labor's authority to enforce the state's prevailing wage laws on public works projects entered into by a third party acting in place of, on behalf of and for the benefit of public entities. The Committee was also successful in obtaining the passage of legislation which would have raised the statutory minimum wage in New York State from \$7.25 to \$8.50 per hour, and which would have established standards for the licensure of persons engaged in the design, maintenance and repair of elevators. Other legislation reported from committee included: a measure requiring DOL to implement a workforce guidance policy; a bill to protect injured workers by prohibiting the retroactive application of the medical treatment guidelines prescribed by the Workers' Compensation Board; and a bill that would have provided authorization for employees to utilize available sick leave to provide care to their immediate family, members of household and domestic partners.

- SUMMARY OF COMMITTEE ACTION -

The 2012-13 enacted budget continued state funding for a number of workforce programs such as the Summer Youth Employment Program, the Career Pathways Program and the Advanced Technology Training and Information Networking (ATTAIN) Program, among others. These programs represent collaborative efforts involving several state agencies such as the Office of Temporary and Disability Assistance (OTDA), the Department of Labor (DOL) and the New York State Energy Research & Development Authority (NYSERDA), to provide basic education and occupational training with integrated support services. During the special session of December 2011, legislation was passed to secure the restoration of over \$50 million in funding for various workforce programs for the 2012-13 fiscal year. Collectively, these programs prepare individuals for entry into the workforce and support direct access to the labor market for disadvantaged and underrepresented populations. These efforts have been vital to the development of a job-ready workforce for the State's manufacturers and businesses.

The Committee conducted a number of public hearings throughout the 2012 legislative session including three hearings across the State to gauge the impact of the proposal to raise the minimum wage to \$8.50 per hour. In July, the Committee participated in a joint hearing with the committees on Energy and Corporations, Authorities and Commissions to examine safety protocols established by Consolidated Edison to ensure public safety and delivery of services. Finally, the Committee was joined by the Committee on Governmental Employees and the Assembly Task Force on Women's Issues to examine practices of the New York State Departments of Labor and Civil Service to promote diversity in the workforce while improving access to higher paying jobs and careers for men and women.

- SIGNIFICANT LEGISLATION -

WAGE STANDARDS

One of the most important issue areas within the jurisdiction of the Labor Committee is wage standards. The New York State Department of Labor (DOL) has enforcement authority over several provisions of the Labor Law relating to: the minimum wage; standards for hours of work; prevailing wage; child labor; migrant farm labor; payment of wages and wage 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 2012, the Committee reported several bills including: the Farmworker Fair Labor Practices Act; the New York State Fair Pay Act and a number of proposals to strengthen the enforcement of the state's prevailing wage laws.

FARMWORKERS FAIR LABOR PRACTICES ACT

A.1652 (Nolan)/S.1862 (Espaillat) -- This bill would enact a comprehensive farmworker reform statute designed to place farmworkers on par with other workers in New York State. The bill would grant farm laborers a day of rest each week, disability insurance coverage, overtime pay, unemployment insurance coverage and the right to collectively bargain. **This bill advanced to Third Reading Calendar.**

NEW YORK STATE FAIR PAY ACT

A.6130 (Wright)/S.2200 (Krueger) -- This bill would supplement federal law and require the establishment of a job classification system which does not systematically undervalue the work of women and minority workers in order to establish a standard of "equivalent jobs" which are dissimilar but require equivalent skills, effort, responsibility and working conditions. The bill would require employers to pay all employees who have equivalent jobs the same rate, with exceptions that would include, but not be

limited to: bona fide compensation systems that are based on seniority, merit, quality or quantity of production or geographic differentials. **This bill passed the Assembly.**

A.6970 (Wright)/S.3827 (Maziarz) – This bill would require that whenever a municipality issues a permit to a utility company authorizing them to excavate a public thoroughfare, the utility company and its subcontractors must use competent workers and pay the prevailing wage. **This bill advanced to Third Reading Calendar.**

A.7401-B (Abbate)/S.5659-B (Savino) – This bill would establish reciprocity with federal sanctions for wage violations by requiring that whenever an entity has been debarred under the federal Davis-Bacon Act, such entity shall be barred from bidding on public works projects under New York’s Labor Law for as long as their name is published in the federal list of debarred contractors. **This bill passed the Assembly.**

A.9375 (Camara)/S.7434 (Savino) -- This bill would ensure that workers employed to provide service work for the benefit of public agencies are paid the prevailing wages to which the law entitles them. **This bill was reported to the Codes Committee.**

A.9832 (Wright)/S.6923-A (Golden) – This bill would make permanent, provisions of law which authorize the Department of Labor to enforce prevailing wage laws on public works projects entered into by a third party acting in place of, on behalf of and for the benefit of public entities. **This bill was signed into law; Chapter 389 of the Laws of 2012.**

- SIGNIFICANT LEGISLATION -

MINIMUM WAGE

The New York State Minimum Wage Act was passed by the Legislature in 1960 in recognition of the fact that employment of New Yorkers at insufficient rates of pay threatens their health and well-being and injures the overall economy. The Act instituted a state statutory minimum wage of \$1.00 thus ensuring that workers were compensated for their labor with a wage that afforded them a basic standard of living sufficient to protect their health and safety. In keeping with this basic principle of adequate wages, it has been widely acknowledged and statistically proven that since its inception, periodic increases to the minimum wage have not been sufficient to protect against the erosive nature of inflation. The minimum wage in NY has remained stagnant at \$7.25 per hour since 2009 when Congress passed legislation to increase the wage floor under the Fair Labor Standards Act. At this rate, a full-time worker in 2012 is earning just over \$15,000 per year; enough to be eligible for Medicaid, the Home Energy Assistance Program (HEAP), child care subsidies and other state-funded public assistance programs.

In 2012, with over seventy percent of New Yorkers in favor of raising the minimum wage, the Assembly Majority introduced and passed legislation that would raise the statutory minimum wage from \$7.25 to \$8.50 per hour and also raise the minimum cash wage for food service workers who receive tips from \$5.00 to \$5.86 per hour. The measure requires both wages to be indexed for inflation to prevent further erosion of New York minimum wage earners' purchasing power. This proposal would directly

- SIGNIFICANT LEGISLATION -

benefit the more than 800,000 workers who are currently earning below \$8.50 an hour and also have profound benefits for local and state economies.

A.9148 (Wright)/S.6413 (Klein) -- this bill would raise the statutory minimum wage in New York State from \$7.25 to \$8.50 per hour, and for food service workers receiving a minimum cash wage, from \$5.00 to \$5.86 per hour, on and after January 1, 2013 and provide that annually thereafter, both wages shall be indexed to inflation. **This bill passed the Assembly.**

- SIGNIFICANT LEGISLATION -

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 wellbeing of themselves and their families. Unemployment benefits are funded through an annual tax, paid exclusively by employers, based on each employee's wages. The recent recession led to a drastic increase in unemployment which resulted in the highest rates in decades, both state and nation-wide. Per State law, UI benefits must be the exclusive source of income for recipients or the benefit amount for the individual is subject to reduction. Unfortunately, the current maximum benefit amount has not increased in ten years and currently represents only 26% of the state average weekly wage. This means the financial protection that UI benefits were intended to provide to beneficiaries has been severely diluted. In addition, the mechanism on which the benefit is funded is in need of significant reform as it is currently inadequate to sustain the demand on the UI system. Like several other states, the impact of the recession forced New York to borrow a substantial loan from the federal government to meet the demand for benefits for the hardworking men and women who found themselves unemployed during the economic downturn. Federal law requires this loan to be repaid, with interest, by New York's employers. During the 2012 legislative session, the Committee reported proposals that would have: expanded eligibility for UI benefits to certain professionals; authorized the payment of benefits to individuals who are partially employed; and extended certain provisions of law relating to fees and expenses in Unemployment Insurance Appeals Board proceedings.

A.6139 (Wright)/S.4929 (Addabbo) -- This bill would provide a mechanism for unemployed claimants to work to a limited degree and have their benefit reduced proportionally. **This bill was reported to the Ways and Means Committee.**

HIGHER EDUCATION EMPLOYMENT PROTECTION ACT

A.6673 (Wright)/S.7393 (Robach) -- This bill would clarify that offers of employment for subsequent academic terms which are contingent upon factors such as funding or enrollment shall not constitute “reasonable assurance” of continued employment and therefore shall not bar an employee from collecting unemployment insurance compensation while out of work. **This bill was reported to the Ways and Means Committee.**

A.10238 (Wright)/S.7520 (Robach) -- This bill would extend for two years, until December 31, 2014, provisions of law relating to fees and expenses in unemployment insurance proceedings, which are due to expire on December 31, 2012. **This bill was signed into law; Chapter 331 of the Laws of 2012.**

- SIGNIFICANT LEGISLATION -

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.

A.5923 (Kavanagh)/S.4176 (Savino) -- This bill would require insurance companies to provide recipients of workers' compensation benefits with a reasonable time period within which they must respond to an inquiry, in addition to a clear and prominent statement informing them whenever their failure to respond by a specified deadline will result in the disruption or modification of their benefits. **This bill passed the Assembly.**

A.6294 (Wright)/S.3741 (Maziarz) -- This bill would prevent disruptions in medical treatments for worker's compensation beneficiaries by requiring that the recently adopted medical treatment guidelines prescribed by the Workers' Compensation Board shall only be applied to cases with an accident or disablement date on or after the issuance of the guidelines, on December 10, 2010.

This bill advanced to Third Reading Calendar.

A.7308 (Canestrari)/S.5005 (Griffo) -- this bill would authorize certified physical therapist assistants to provide treatment and care to injured workers under the Workers' Compensation Law. **This bill passed the Assembly.**

- SIGNIFICANT LEGISLATION -

A.9657 (Wright)/S.6806 (Robach) -- this bill would continue the ability of workers' compensation beneficiaries to receive treatment for certain spinal injuries by extending for two years, until April 1, 2014, provisions of law which allow general hospitals to be reimbursed for costs associated with procedures for spine-related injuries, pending the final adoption of Federal regulations related to such procedures. **This bill was vetoed; Veto Memo 160 of 2012.**

- SIGNIFICANT LEGISLATION -

FREELANCERS

A.6698-C (Silver)/S.4129-D (Golden) -- This bill would provide certain independent contractors, or “freelance workers” with the wage and hour protections which other employees enjoy, including the ability of the Commissioner of the Department of Labor to bring an action against an employer for the underpayment of a freelancer. **This bill passed the Assembly.**

SICK LEAVE for WORKERS

A.2947 (Glick) -- this bill would amend the Labor Law to allow employees to utilize accrued and available sick leave to provide care to their immediate family, members of household and domestic partners. **This bill advanced to Third Reading Calendar.**

ELEVATOR SAFETY

A.8359-B (Wright)/S.7026-A (Bonacic) -- This bill would establish guidelines and standards for the inspection and maintenance of elevators and other automated people moving devices and prescribe the required licenses and certifications for individuals that would be authorized to perform such work. **This bill passed the Assembly.**

WORKFORCE GUIDANCE

A.9020-B (Jaffee)/S.6429-A (Robach) -- This bill would require the Department of Labor to implement a workforce guidance policy that would educate and inform both men and women about higher paying jobs and careers including jobs traditionally underrepresented by women. **This bill was signed into law; Chapter 284 of the Laws of 2012.**

AUTHORIZED LEAVE

A.9210-A (Thiele)/S.6368-A (Grisanti) -- This bill would authorize leaves of absence for volunteer emergency service responders during the time that a declared state of emergency exists. **This bill was reported to the Rules Committee.**

- SIGNIFICANT LEGISLATION -

WORKERS' RIGHT to PRIVACY

A.9654 (Dinowitz)/S.6831 (Klein) -- This bill would protect the privacy of employees and job applicants by prohibiting employers from requiring an employee or applicant for employment to disclose identifying information used to access a personal account or service through an electronic communications device. **This bill passed the Assembly.**

- PUBLIC HEARINGS -

Raising the Minimum Wage

The Committee on Labor conducted three public hearings across the state to examine whether the current minimum wage of \$7.25 per hour is sufficient to provide the basic needs of working New York families and to examine the impact that raising the minimum wage would have on these families and the economy. The first hearing was held in New York City on April 23, 2012; the second, in Syracuse on April 24, 2012 and the third, in Buffalo on May 11, 2012. Over the course of these hearings, the committee heard testimony from dozens of constituents, workers, employers, religious groups and other stakeholders about what the proposed increase in the minimum wage would mean for New Yorkers. In New York City, witnesses presented testimony on behalf of: the Hunger Action Network of NY; the National Employment Law Project (NELP); the Fiscal Policy Institute; the Greater NY Labor Religion Coalition; and the American Sustainable Business Council. On April 24, witnesses in Syracuse presented testimony on behalf of: SEIU, Local 200; the National Action Network; the New York State Retail Council; the Workers' Justice Center of New York; Reeves Farms of Baldwinsville, NY; and various community activists. Witnesses in Buffalo, NY presented testimony on behalf of: the Town of Dickinson, NY; the Everywoman Opportunity Center of Buffalo; Temple Sinai; the Buffalo-Niagara Partnership; Interfaith Impact of NYS; Mr. Bill's Restaurant and Bar; Hispanics United of Buffalo; and the Niagara Organizing Alliance for HOPE.

During the 2012 legislative session, Assembly bill 9148, sponsored by Chairman Keith L.T. Wright, was introduced to the Labor committee and went on to pass the Assembly on May 15, 2012. The proposal would provide that effective January 1, 2013 the statutory minimum wage shall be \$8.50 per hour, and for food service workers receiving a minimum cash wage, including those for which employers are authorized to make wage deductions for meals and lodging, \$5.86

per hour. It would also require that beginning on January 1, 2014 and annually thereafter on such date, the minimum wage shall be indexed to inflation by the commissioner of the Department of Labor. Finally, the bill would require the state, local governments or political subdivisions thereof, to pay their employees the statutory minimum wage under article nineteen of the Labor Law.

Consolidated Edison

Consolidated Edison provides electric, gas, and steam services to more than three million homes and businesses in New York City and Westchester County. This summer, during the midst of a heat wave, the corporation reassigned management employees and retired supervisors to field positions to do the work of traditional employees. Some critics claimed that these workers were not qualified to perform these jobs and as a result, their health and safety were at risk. During this time, there were two high profile incidents of worker injury that prompted further speculation: one employee was injured in a manhole explosion on the Upper West Side in Manhattan and another was burned in a substation fire in the Bensonhurst neighborhood of Brooklyn. These incidents further heightened public concern about what procedures were established to ensure that adequate services are provided to consumers in the event of a power emergency or disruption in services.

On June 25th, 2012, the Committee on Labor, in conjunction with the Committees on Energy and Corporations, Authorities and Commissions held a public hearing in New York City to examine procedures put in place by Consolidated Edison to ensure that safe and reliable services are provided to New York State residents. Witnesses presenting testimony included: the Senior Vice President of operations for Consolidated Edison; the New York State Public Service Commission; Utility Workers Union of America - Local 1-2, on behalf of Consolidated Edison's skilled workforce; the Deputy Director and Chief

Economist of the Fiscal Policy Institute; and representatives of the New York City Central Labor Council and the New York State AFL-CIO.

Improving Access to Higher Paying Jobs

Under the federal Workforce Investment Act of 1998 (WIA), Congress provided a comprehensive model for workforce investment initiatives and policies that were intended to increase employment, job retention, and the earnings of participants with the overall goal of increasing occupational skill attainment, thus, improving the overall quality of the nation's workforce. In New York, the State Workforce Investment Board serves as the governance body for the workforce development system under WIA and the Department of Labor (DOL) is the agency charged with the administration of the federally appropriated monies under this Act. By providing oversight for the efforts of the State Workforce Investment Board and the Local Workforce Investment Boards throughout the state, DOL has a critical role in ensuring that the policies implemented by the State to supplement the goals of WIA are effectively implemented.

Chapter 284 of the Laws of 2012 required the Department of Labor to provide guidance to the state's workforce investment boards to enable them to better educate and inform men and women about higher paying jobs and careers, including those traditionally dominated by men. In keeping with the intended goals of WIA, which are inclusive of those individuals employed in civil service positions, implementation of this new law will require collaboration between the Department of Civil Service and the one-stop career service centers administered by the local workforce investment boards across the state.

On December 19, 2012, the Committees on Labor and Governmental Employees, joined by the Assembly Task Force on Women's Issues, convened a public hearing in the City of New York to obtain testimony from the Departments of Labor and Civil Service, and other affected stakeholders on their efforts to promote workforce diversity while improving access to higher paying jobs and

careers for men and women. Witnesses presenting testimony included the Commissioner of the New York State Department of Civil Service; the New York State Department of Labor's Deputy Commissioner for Workforce Solutions; representatives from the Public Employees Federation and the Executive Director of the Orange County YWCA.

- OUTLOOK FOR 2013 -

In 2013, the Labor Committee will continue its efforts to protect the interests of the hardworking men and women of New York State. As the state continues to make strides toward economic recovery, the Committee will endeavor to advance legislation that meets the needs of all sectors of the workforce while fostering a balanced relationship between businesses and other employers. Most importantly, we will continue fighting to bring income security to low-wage workers across the state by pursuing the passage of legislation to raise the statutory minimum wage in New York to a level that is necessary to afford food, shelter and other basic necessities. It is critical that while our attentions are focused on job creation and retention, every consideration is given to ensure that the jobs being created uphold the basic principles of wage equity and adequacy that every worker deserves.

APPENDIX A

2012 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	0	4
TO WAYS AND MEANS	12	0	12
TO CODES	19	0	19
TO RULES	4	0	4
TO JUDICIARY	0	0	0
TOTAL	39	0	39
BILLS HAVING COMMITTEE REFERENCE CHANGED	0	0	0
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		1	1
RECALLED		1	6
TOTAL		2	7
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE	34	0	34
BILLS NEVER REPORTED, HELD IN COMMITTEE	156	8	164
BILLS HAVING ENACTING CLAUSES STRICKEN	7	0	7
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	236	10	251
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	7		

APPENDIX B

2012 LABOR LEGISLATION ENACTED INTO LAW/ VETOED

Bill / Sponsor	Summary	Final Action
A.7508 (Wright)	Requires workers' compensation hearings and pre-hearing conferences to be stenographically recorded by a stenographer in the employ of the Workers' Compensation Board.	Vetoed, Memo 140
A.8614-B (Titone)	Clarifies existing law to ensure consistency in the regulation of theatrical employment agencies.	Chapter 460
A.9020-B (Jaffee)	Directs the Department of Labor to establish a workforce guidance and information for women policy.	Chapter 284
A.9657 (Wright)	Extends for two years, until April 1, 2014, provisions of law which allow general hospitals to be reimbursed for costs associated with procedures for spine-related injuries, pending the final adoption of Federal regulations related to such procedures.	Vetoed, Memo 160
A.9832 (Wright)	Permanently codifies the authority of the Department of Labor (DOL) to enforce prevailing wage laws on public works projects entered into by a third party acting in place of, on behalf of and for the benefit of public entities.	Chapter 389
A.10238 (Wright)	Extends for two years, until December 31, 2014, provisions of law relating to fees and expenses in unemployment insurance proceedings.	Chapter 331
A.10677 (Rules/Gabryszak)	Requires employers of firefighters to provide emergency escape systems for their employees.	Chapter 360
A.10785 (Rules/Morelle)	Provides for the permissible wage deductions that may be taken by employers with the consent of employees.	Chapter 451

APPENDIX C

2012 BILLS REPORTED BY THE LABOR COMMITTEE

0409902009

Bill / Sponsor	Summary	Final Action
A.367 (Cusick) S.7162 (Lanza)	Relates to the allowance certified lifeguards age 16-17 years old to work for up to five hours on any day preceding a school day other than a Sunday or holiday.	Passed Assembly
A.432 (Galef) S.2831 (Stewart-Cousins)	Would require sanitation workers to receive certain training.	Held in Ways and Means Committee
A.1652 (Nolan) S.1862 (Espaillat)	Would enact the "Farmworkers Fair Labor practices Act."	Reported to Codes Committee
A.2314 (Heastie) S.3730 (Oppenheimer)	Would provide public and private sector employees the right to review their personnel file.	Reported to Codes Committee
A.2947 (Glick)	Would allow employees to utilize sick leave to care for family, household members and domestic partners.	Reported to Third Reading Calendar
A.5422-B (Castelli) S.3890-B (Oppenheimer)	Would allow the town of New Castle to include CERT teams as employees for purposes of workers' compensation coverage.	Reported to Ways and Means Committee
A.5640 (Weisenberg) S.535 (Klein)	Would require certain employers to establish qualified transportation fringe benefit programs for employees.	Enacting clause stricken
A.5923 (Kavanagh) S.4176 (Savino)	Relates to the requirement that injured workers receiving benefits under the workers' compensation law be given reasonable time to respond to any inquiry that requires timely response in order to avoid a disruption in benefits.	Passed Assembly
A.6130-A (Wright) S.2200-A (Krueger)	Would enact the "New York State Fair Pay Act."	Passed Assembly

A.6139 (Wright) S.4929 (Addabbo)	Would provide unemployment benefits to workers who are partially unemployed.	Reported to Ways and Means Committee
A.6294 (Wright) S.3741 (Maziarz)	Relates to application of guidelines for medical treatment for injured workers.	Reported to Third Reading Calendar
A.6673 (Wright) S.7393 (Robach)	Would enact the "Higher Education Employment Protection Act."	Reported to Ways and Means Committee
A.6970 (Wright) S.3827 (Maziarz)	Would enact the "Roadway Excavation Quality Assurance Act."	Reported to Third Reading Calendar
A.7308 (Canestrari) S.5005 (Griffo)	Would permit an authorized physician to direct that physical therapy care for an injured worker may be rendered by a duly licensed physical therapist assistant.	Passed Assembly
A.7375-A (Wright)	Relates to agreements to which the state, a public benefit corporation, a municipal corporation or a commission appointed pursuant to law is a party, including agreements relating to charter school construction.	Reported to Rules Committee
A.7401-B (Abbate)	Relates to the reciprocity of debarments imposed under the federal Davis-Bacon Act.	Passed Assembly
A.7508 (Wright) S.4112 (Savino)	Would require workers' compensation hearing and pre-hearing conferences to be stenographically recorded by a stenographer in the employ of the workers' compensation board.	Vetoed Memo. 140
A.8008-A (Wright) S.4016-A (Golden)	Relates to the powers of the Public Employment Relations Board (PERB) to investigate unfair labor practices.	Passed Assembly
A.8086-A (Wright)	Would enact the "Regional Labor Protection Act of 2012."	Reported to Codes Committee
A.8359-B (Wright) S.7026-A (Bonacic)	Would require the licensing and training of elevator contractors, elevator mechanics and elevator inspectors.	Passed Assembly

A.8614-B (Titone) S.5576-B (Golden)	Would clarify existing law to ensure consistency in the regulation of theatrical employment agencies.	Chapter 460
A.8997 (Wright) S.6267 (Golden)	Would enact the "New York State Transportation Industry Fair Play Act."	Reported to Codes Committee
A.9020-B (Jaffee) S.6429-A (Robach)	Would direct the Department of Labor to establish a workforce guidance and information for women policy.	Chapter 284
A.9148 (Wright) S.6413 (Klein)	Would raise the statutory minimum wage in New York State to \$8.50 per hour and require that beginning on January 1, 2014 and annually thereafter on such date, the minimum wage shall be indexed to inflation.	Passed Assembly
A.9210-A (Thiele) S.6368-A (Grisanti)	Would authorize leaves of absence for members of a volunteer fire department or volunteer ambulance squad.	Reported to Rules Committee
A.9371-C (Abbate) S.5149-F (Bonacic)	Would regulate the practice of job order contracting in relation to public work projects.	Reported to Codes Committee
A.9375 (Camara) S.7434 (Savino)	Would ensure that workers employed to provide building service work for the benefit of public agencies are paid the prevailing wage.	Reported to Codes Committee
A.9654 (Dinowitz) S.6831 (Klein)	Would prohibit an employer from requiring that an employee or applicant for employment disclose any means for accessing an electronic personal account or service.	Passed Assembly
A.9657 (Wright) S.6806 (Robach)	Would extend for two years, until April 1, 2014, provisions of law which allow general hospitals to be reimbursed for costs associated with procedures for spine-related injuries.	Vetoed Memo. 160
A.9809 (Jeffries) S.6918 (Kennedy)	Would enact the "Save New York Call Center Jobs Act of 2012" to require any employer who intends to relocate a call center from within the State to a foreign country, to notify the	Passed Assembly

commissioner (of labor) at least one hundred days before the relocation.

A.9832 (Wright) S.6923-A (Golden)	Would continue the authority of the Department of Labor (DOL) to enforce prevailing wage laws on public works projects entered into by a third party acting in place of, on behalf of and for the benefit of public entities.	Chapter 389
A.9995 (Wright) S.6380 (Maziarz)	Would allow for the treatment of injured workers by licensed massage therapists.	Reported to Ways and Means Committee
A.10238 (Wright) S.7520 (Robach)	Would extend for two years, until December 31, 2014, provisions of law relating to fees and expenses in unemployment insurance proceedings, which are due to expire on December 31, 2012.	Chapter 331
A.10253 (Wright) S.7396 (Robach)	Relates to subpoenas in proceedings before the public employment relations board.	Chapter 333
A.10316 (Wright) S.7562 (Seward)	Would clarify provisions of law relating to payments from the State Insurance Fund for expenditures of the Workers' Compensation Board.	Passed Assembly
A.10387 (Lopez V.) S.7549 (Lanza)	Would extend prevailing wage requirements to publicly subsidized residential projects.	Reported to Codes Committee
A.10677 (Rules/Gabryszak) S.7677 (Grisanti)	Would amend provisions of current law which requires employers of firefighters to provide emergency escape systems for their employees.	Chapter 360
A.10785 (Rules/Morelle) S.7790 (Young)	Provides for the permissible wage deductions that may be taken by employers with the consent of employees.	Chapter 451