

New York State Assembly

Annual Report

2024

Committee on
Labor



Speaker Carl E. Heastie
Harry B. Bronson, Chair



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Labor Committee

COMMITTEES
Education
Ways and Means
Rules

HARRY BRONSON
Assembly Member
138th Assembly District

December 15, 2024

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 2024 Annual Report. The following report is a summary of significant actions taken during the 2024 Legislative Session which demonstrates the Committee's ongoing commitment to advancing legislation that strengthens and supports New York State's robust and diverse workforce. The overarching goal of the Committee is to ensure that we have an equitable and inclusive economy and workforce ensuring that all have an opportunity to participate no matter who they are, especially those who have been left on the economic sidelines for far too long.

Among the Committee's top priorities every session is ensuring that hard-working New Yorkers can make a living wage and maintain bolstered protections in the workplace. To that end, the Committee carefully considered and passed legislation in the State Fiscal Year 2024-25 Enacted Budget to provide employees with paid prenatal personal leave and paid breaks for breast milk expression. The Enacted Budget also included numerous worker protections ensuring the payment of elevated minimum wages and prevailing wage on construction work spanning various affordable housing tax incentive benefit programs.

In 2024, the Committee also passed significant legislation to enhance employee rights and promote safe workplaces. Chief amongst this year's legislation was the Retail Worker Protection Act which requires the Department of Labor to produce a model workplace violence prevention training program and policy to be utilized by employers. Employers will be required to provide training on workplace violence prevention and distribute a prevention policy at the time of employees' hiring and annually. The Committee also passed legislation requiring public employers with at least twenty full-time employees to provide annual training and information on preventing and reporting workplace bullying and abusive conduct.

Under your leadership, Mr. Speaker, this Committee looks forward to meeting the challenges of the upcoming 2025 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 am grateful and thank the Members of the Committee on Labor for their hard work and unwavering support for New York State's workers and their families, and to you, Mr. Speaker, for your guidance and steadfast commitment to the people of our great State.

Sincerely,

A handwritten signature in blue ink that reads "Harry B. Bronson". The signature is fluid and cursive, with "Harry" on the first line and "B. Bronson" on the second line.

Harry Bronson
Chair, Assembly Standing Committee on Labor

**2024 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON LABOR**

Harry B. Bronson, *Chair*

▪ MEMBERS ▪

Majority	Minority
George Alvarez	Karl Brabenec, <i>Ranker</i>
Juan Ardila	Scott Bendett
Michael R. Benedetto	Joseph DeStefano
Kenneth Burgos	David J. DiPietro
William Colton	Michael A. Durso
Catalina Cruz	Jodi A. Giglio
Andrew D. Hevesi	Angelo J. Morinello
Jonathan G. Jacobson	Matt Slater
Nikki Lucas	Robert Smullen
Steven B. Raga	
Philip Ramos	
Jonathan D. Rivera	
Karines Reyes	
Nily Rozic	
Gina Sillitti	
Phil Steck	
Yudelka Tapia	
Alfred Taylor	
Stefani L. Zinerman	

▪ COMMITTEE STAFF ▪

Patrick Totaro, *Assistant Secretary for Program and Policy*
Hannah Dominguez, *Analyst*
Morgan Weber, *Associate Counsel*
Sierra Stevenson, *Administrative Assistant*

Aaron Pilgrim, *Committee Clerk*
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▪ 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 and workers. 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, workers compensation, protections against discrimination and retaliation, and the right to organize.

The Committee reviews bills from numerous sources including advocates, 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 bills seek to improve the enforcement of current laws 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 bills that would; extend existing laws preventing contractors debarred under federal statute for wage payment violations from bidding on state public work contracts, allow occupational therapy assistants and physical therapist assistants to provide care to workers' compensation patients under the direction and supervision of an authorized provider, and require the Department of Labor to produce a model workplace violence prevention training program and policy to be utilized by employers.

▪ 2024 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 requirements 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 to ensure that workers on public work projects and certain other publicly subsidized contracts receive their lawful and constitutionally required 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.

1. Payment of prevailing wage for off-site custom fabrication for public work

A.373-B (Bronson) / S.5475-B (Jackson) – Passed Assembly

This bill would require payment of prevailing wage off-site custom fabrication that is performed for public works projects where the contract for such custom fabrication is more than \$250,000 or where the cumulative annual total of contracts is more than \$50,000. The bill excludes projects where federal wage requirements are triggered. Once a contractor has performed work on a contract or contracts that exceeds one of the aforementioned thresholds, such contractors would be required to pay prevailing wage on all subsequent public works contracts for at least one year.

2. Exemptions for minor league baseball players subject to collective bargaining agreement

A.8984 (Bronson) / S.8602 (Ramos) – Chapter 391 of the Laws of 2024

The legislation exempts minor league baseball players covered by a collective bargaining agreement from the state minimum wage laws, overtime pay requirements, frequency of pay requirements for manual workers, and other requirements under Article 6 of the Labor Law.

B. Employee Rights and Worker 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 many individuals continue to face significant obstacles in seeking justice from their employers when their 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 reporting bills that promote safety through worker training and other protections.

1. Establishes the New York State Fashion Workers Act

A.5631-E (Reyes) / S.9832 (Hoyleman-Sigal) – Chapter 676 of the Laws of 2024

The legislation requires that model management companies doing businesses within the state must register with a Department of Labor administered registry. The bill provides certain requirements for model management companies when contracting with a model, including the disclosure of deductions from the models' payment and providing models with a written copy of any contracts or deal memos. Responsibilities of clients contracting with a model and model management company are also outlined and require clients to provide a safe working environment and zero-tolerance policy for violations, provide adequate breaks, provide adequate levels of liability insurance, and obtain consent when using a model's digital replica. The bill also provides penalties in the event a model management company violates the provisions of the bill.

2. Amends the Freelance Isn't Free Act

A.8535 (Bronson) / S.8039 (Gounardes) – Chapter 98 of the Laws of 2024

This legislation amends Chapter 678 of the Laws of 2023 to establish an altered enforcement process for complaints from aggrieved freelance workers, and transfer enforcement responsibilities to the Office of the Attorney General, rather than the Department of Labor.

3. Establishes the Warehouse Worker Injury Reduction Program

A.8907-A (Bronson) / S.5081-C (Ramos) – Chapter 652 of the Laws of 2024

This legislation requires certain employers with one hundred or more employees at any single warehouse distribution center or one thousand or more employees at one or more warehouse distribution centers to implement an injury reduction program to identify and minimize the risks of musculoskeletal injuries and disorders. The program includes annual worksite evaluations conducted by qualified ergonomists, efforts by covered employers to reduce or eliminate identified risk factors in the workplace that may lead to worker injuries, annual employee training to ensure safety, and efforts to ensure timely medical care if provided in a given workplace. The Department of Labor is directed to create a task force establishing the qualifications for the ergonomists authorized to conduct worksite evaluations and standards for evaluating such worksites.

4. Establish the Temperature Extreme Mitigation Program (TEMP) Act

A.8935-C (Bronson) / S.1604-F (Ramos) – Reported to Ways and Means Committee

The bill would provide protection for workers relating to extreme temperatures and conditions in the following industries: agriculture, construction, landscaping, car wash service, commercial shipping, food service, and warehousing. The bill would provide employees working in indoor and outdoor worksites with certain protections when the

temperature reaches 80 or more degrees Fahrenheit, including requiring access to hydration, access to shade, allowing preventative breaks, requiring employers to implement their workplace heat stress plan, and make a reasonable effort to provide first aid and other treatment. The Department of Labor would be required to provide a training curriculum outlining the signs of heat illness and the available medical responses. The training would be administered by employers at the time of hiring.

5. Reduce abusive conduct and bullying in the workplace
A.8934-A (Bronson) / S.3065-B (Ramos) – Veto Memo 130

The bill would require public employers with at least twenty full-time employees to provide annual training and information on preventing and reporting workplace bullying and abusive conduct.

6. Prevents the displacement of call center workers contracted by public entity
A.8939-B (Bronson) / S.6328-B (Ramos) – Chapter 628 of the Laws of 2024

The legislation requires a successor call center contracted by a given governmental entity to retain employees of the former call center contractor upon termination of its contract. Employees are retained for a ninety-day transition period, and following the conclusion of the transition period, such employees would be evaluated and offered continued employment with the successor call center if their performance is satisfactory. The public entity is required to ensure that the successor call center establishes a worksite that is accessible to the retained employees; however, the establishment of an accessible worksite would not be required if the employees' duties are to be performed remotely.

7. Establishes the Retail Worker Safety Act
A.8947-C (Reyes) / S.8358-C (Ramos) – Chapter 308 of the Laws of 2024

This legislation requires the Department of Labor to produce a model workplace violence prevention training program and policy to be utilized by employers. Employers are required to provide training on workplace violence prevention and distribute a prevention policy at the time of employees' hiring and annually. The legislation provides specifications for information to be included in the training programs and requires employers with five hundred or more retail employees to provide access to panic buttons throughout the workplace.

8. Establishes the Boundaries on Technology Act
A.9315-B (Alvarez) / S.7623-C (Hoyleman-Sigal) – Reported to Ways and Means Committee

The bill would provide standards and requirements for use of both electronic monitoring tools (those that collect data on employees during the performance of their duties and employment) and employment decision tools (those that assist in making employment decisions). The bill would prohibit employers from using electronic monitoring tools to collect employee data unless the tool is used strictly for one of the specified purposes, in

the least invasive way possible, and on the fewest workers possible. The bill also includes various notification requirements and privacy requirements to protect worker data and notify workers who may be subject to electronic monitoring and notice of random or periodic electronic monitoring.

9. Paid break time for employees to express breast milk

A.9506 (Tapia) / S.8846 (Ramos) – Reported to Codes Committee

This bill would provide employees with thirty minutes of paid break time to express breast milk for an employee's nursing child and permit employees to use existing paid break time for such purposes as well.

C. Unemployment Insurance

Since 1935 the New York State Unemployment Insurance (UI) program has served as a financial safety net for people 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. The Committee remains steadfast in its commitment to improve the unemployment system and to ensure that all parties involved are treated fairly.

1. Reduces suspension period for striking workers obtaining unemployment benefits

A.1443-A (Wallace) / S.9460 (Ramos) – Reported to Ways and Means Committee

The bill would reduce the suspension period during which striking workers cannot apply for unemployment insurance benefits to one week, rather than the current two weeks. Additionally, the bill would allow the one-week waiting period, to which all claimants are subject, and the suspension period to be served concurrently.

2. Waive recovery of unemployment insurance overpayments

A.8928-C (Bronson) / No Same-as – Reported to Ways and Means Committee

This bill would establish a formalized waiver process for state unemployment benefit overpayments for cases in which: such overpayment was not due to fraud or due to a willful false statement or misrepresentation; such overpayment was received without fault on the part of the claimant; and the recovery of such overpayment would be against equity and good conscience. The bill includes notification requirements and specifications for repayment schedules. The bill also provides specific factors to be considered when determining if the claimant was at fault, scenarios in which there would be a presumption that the claimant is without fault, and scenarios in which recovery would be considered against equity and good conscience.

3. Extend provisions relating to fees and expenses for unemployment insurance proceedings

A.9770 (Taylor) / S.9368 (Ramos) – Chapter 250 of the Laws of 2024

This legislation extends the effectiveness of provisions of the Labor Law relating fees and expenses for unemployment insurance proceedings for an additional two years.

These provisions set standards for fees and compensation of attorneys that represent claimants and fees for any witnesses that may be involved in proceedings before the Unemployment Insurance Appeal Board ("UIAB").

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 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. Treatment by occupational and physical therapy assistants

A.1204-A (Zebrowski) / S.9462-A (Ramos) – Chapter 335 of the Laws of 2024

This legislation allows occupational therapy assistants and physical therapist assistants to provide care to workers' compensation patients under the direction and supervision of an authorized provider.

2. Contracted network pharmacy use

A.1219-A (Bronson) / S.1974-A (Ramos) – Veto Memo 95

This bill would allow workers' compensation claimants to obtain prescribed medications from an out-of-network pharmacy if the employer or insurance carrier has refused to provide payment for the medication and the claimant is unable to obtain such medication from a network pharmacy due to the failure to authorize the medication within 72 hours of the request or if the prescribed medication is scheduled for reauthorization but the employer or insurance carrier has failed to reauthorized the medication within 72 hours of the request for one or more of the delineated reasons within the bill.

3. Claims for mental injury due to extraordinary work-related stress
A.5745 (Reyes) / S.6635 (Ramos) – Chapter 546 of the Laws of 2024

This legislation expands the ability to file a workers' compensation claim for mental injury premised upon extraordinary work-related stress incurred at work to all employees.

4. Relates to workers' access to treatment
A.6832-A (Lunsford) / S.6929 (Fernandez) – Veto Memo 62

The bill would clarify that the list of authorized procedures prescribed by the Workers' Compensation Law should not be used as a basis to deny treatment to a patient. The bill would also increase the limit from \$1,000 to \$1,500 for treatment that may be done without prior approval. The bill would provide that any special diagnostic tests, x-ray examinations, magnetic resonance imaging or other radiological examinations or tests costing more than \$1,500 performed by an out-of-network provider would be reimbursed at the negotiated network rate.

5. Increases to temporary disability leave benefit rate
A.10561 (Solages) / S.9840 (Ramos) – Reported to Ways and Means Committee

This bill would provide scheduled increases to the weekly and maximum weekly benefit rates for temporary disability leave and extend other protections to this type of leave, including job protection, requiring employers to maintain an employee's health insurance for the duration of leave, and prohibiting retaliatory action against an employee for taking such leave. The bill would provide scheduled increases the weekly and maximum weekly benefit rates for the first 12 weeks of leave as follows:

- January 1, 2026: 55% of the employee's average weekly wage (AWW); maximum 50% of the state average weekly wage (SAWW)
- January 1, 2027: 60% of the employee's AWW; maximum 55% of the SAWW
- January 1, 2028: 67% of the employee's AWW; maximum 60% of the SAWW
- January 1, 2029: 67% of the employee's AWW; maximum 67% of the SAWW

Beginning on January 1, 2026, the benefit rate for the 13th-26th weeks of leave would be 30% of the employee's AWW with a maximum of 30% of the SAWW.

The bill would also provide that the first 6 weeks immediately following a stillbirth would be covered under Paid Family Leave for the duration of the phase-in period for the benefit increases for temporary disability leave.

E. Other Significant Legislation

1. Establishes the New York State Lead-Safe Renovation, Repair and Painting Act
A.434-A (Bronson) / No Same-as – Reported to Ways and Means Committee

The bill would authorize the Commissioner of Labor to adopt more stringent regulations in relation to lead dust clearance if deemed necessary and the Commissioner would be directed to adopt regulations mirroring those currently used by the federal Environmental Protection Agency for state programs; such regulations would address the distribution of

lead hazard information to homeowners and residents, worker training, procedures and requirements for accreditation of renovation and dust sampling technicians, work practice standards, and other certification requirements. The bill further specifies certain regulations to be adopted such as preventing certain unsafe lead removal practices and requiring an independent accredited lead dust sampling technician.

2. Distribution of notices and guidelines regarding mental health of employees
A.5299-A (Gunther) / No Same-as – Reported to Ways and Means Committee

The bill would require the Commissioners of Labor and the Office of Mental Health to create and distribute to employers written materials regarding mental health conditions and resources. Employers would be required to display such materials in an easily accessible area within the workplace. The bill would also require the Commissioners of Labor and the Office of Mental Health to create a voluntary regulatory framework and standards aimed at increasing employers', employees', and the public's awareness on mental health issues while minimizing the stigma of mental health within the workplace.

3. Requirements for contractors and subcontractors working on covered projects
A.9265-A (Bronson) / S.8608-A (Ramos) – Chapter 304 of the Laws of 2024

The legislation requires contractors and subcontractors performing work on projects subject to prevailing wage requirements to electronically submit certified payroll records to the fiscal officer at least once every thirty days and within thirty days after the completion of work on such a project. If a contractor or subcontractor subject to the requirements of the bill fails to furnish such payroll records, they would be subject to a penalty of \$100 for each day a violation occurs. The Department of Labor is directed to develop and implement an online database of the submitted electronic payroll records; the database will be publicly accessible but will not contain any personally identifiable information.

4. Extends the effectiveness of certain provisions relating to the reciprocity of debarments
A.9303 (Lunsford) / S.8600 (Ramos) – Chapter 157 of the Laws of 2024

This legislation extends for an additional three years the provisions of Chapter 461 of the Laws of 2017 which prohibits contractors and subcontractors debarred on the federal level under the Davis-Bacon from being able to bid on state public work contracts.

5. Extends provisions of law permitting certain deductions from wages
A.9768 (Raga) / S.9369 (Ramos) – Chapter 142 of the Laws of 2024

This legislation extends, for another two years, provisions of the Labor Law which allow for certain categories of permissible wage deductions. Examples of such permissible wage deductions include:

- Insurance premiums, and prepaid legal plans;
- pension or health and welfare benefits;

- contributions to a bona fide charitable organization;
- discounted parking or discounted passes, tokens, fare cards, vouchers, or other items that entitle the employee to use mass transit;
- fitness center, health club, and/or gym membership dues; and
- pharmacy purchases made at the employer's place of business.

▪ STATE FISCAL YEAR 2024-25 ENACTED BUDGET ▪

Each year during budget negotiations, 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 programs and initiatives that help improve the security and well-being of New York State's workers and job seekers.

This year, the State Fiscal Year (SFY) 2024-25 Enacted Budget ("Enacted Budget") included beneficial legislation as well as crucial funding allocations in the following areas:

The Legislature provided \$25 million in adds and restorations, including funding for:

- Workforce Development Institute (WDI) and the WDI Manufacturing Initiative;
- Cornell ILR Labor Leading on Climate Initiative;
- Displaced Homemaker;
- YouthBuild;
- Cornell ILR Cannabis Workforce Initiative;
- New York Committee on Occupational Safety and Health (NYCOSH);
- Cornell ILR Sexual Harassment Prevention Program; and
- Cornell Criminal Records Training and Education Program.

Paid Prenatal Personal Leave

The Enacted Budget requires all private employers to provide employees with 20 hours of paid prenatal personal leave. The leave is available for the health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with health care providers related to the pregnancy.

Paid Breaks for Breast Milk Expression

Currently all employers, both public and private, are required to provide employees with reasonable unpaid break time or to permit an employee to use paid break time or meal time to express breast milk for up to three years following child birth.

The Enacted Budget requires employers to provide thirty minutes of paid break time for such purposes and to allow an employee to use meal time or break time for time in excess of 30 minutes.

Use of Project Labor Agreements on SUNY Large-Scale Construction Projects

The Enacted Budget requires contracts for large-scale construction projects performed on academic buildings and dormitories and approved under the SUNY master plan to be subject to a project labor agreement (PLA). Project labor agreements are pre-hire collective bargaining agreements with one or more labor organizations that set specific terms and protections for a specific construction project. This requirement will take effect on January 1, 2025 and will apply to projects with a total estimated cost of \$10 million or more for which a bid advertisement has not yet been published in the NYS contract reporter.

There is an exception to the PLA requirement if the use of a PLA would be inconsistent with various goals prescribed in the Labor Law, such as obtaining the best work at the lowest possible price, providing cost savings, or preventing favoritism, fraud, and corruption or if the use of a PLA would be inconsistent with state competitive bidding laws.

Repeal of the Coronavirus Disease 2019 (COVID-19) sick leave and benefits

The Enacted Budget provides a repeal date for COVID-19 sick leave and benefits. Under current law, employees are entitled to a certain amount of paid or unpaid leave based on employer size if they contract COVID-19. If an employee exhausts the provided leave, then they are entitled to disability and/or Paid Family Leave benefits until they can return to work. The requirements for such leave and benefits will be repealed on July 31, 2025.

Extension of the implementation date of the new partial UI calculation

The Enacted Budget extends the implementation date of the new partial UI calculation system until the Department of Labor has concluded their UI Modernization Project or until February 1, 2025, whichever is earlier. Beginning on October 1, 2024, if the Department has not yet completed the modernization project, it is required to update the Legislature on their progress every 15 days.

Affordable Neighborhoods for New Yorkers Tax Incentive

The Enacted Budget includes protections and payment standards for construction and building service workers covered under this tax incentive.

- **For multiple dwellings with 100 or more units:**
The elevated minimum wage for the construction work is \$40.00. This amount will increase by 2.5% each year beginning on July 1, 2025.
- **For multiple dwellings with 150 or more units:**
The elevated minimum wage for the construction work will vary by zone as follows:
 - **Zone A:** the lesser of \$72.45 or 65% of the highest prevailing rate of wages and supplements for the given classification of workers
 - This monetary amount of \$72.45 will increase by 2.5% each year beginning in 2025
 - **Zone B:** the lesser of \$63.00 or 60% of the highest prevailing rate of wages and supplements for the given classification of workers
 - The monetary amount of \$63.00 will increase by 2.5% each year beginning in 2025.
- There is a carve-out from these labor protections for projects subject to a project labor agreement. Projects subject to a collective bargaining agreement or jobsite agreement may also be carved out from these labor provisions.
- The legislation also provides for prevailing wage requirements for building service employees.

Affordable Housing from Commercial Conversions Tax Incentive Benefits in New York City

The Enacted Budget includes protections for construction and building service workers covered under this tax incentive.

- This legislation provides prevailing wage requirements for construction work on eligible conversions pursuant to 224-a of the Labor Law.

- Section 224-a of the Labor Law relates to projects under private contract that receive at least 30% of their construction costs from public funds and where the total construction cost is more than \$5 million.
- This legislation provides prevailing wage requirements for building service workers
 - Multiple dwellings with less than 30 units and those whose eligible conversion is carried out with the substantial assistance of grants, loans or subsidies provided by a federal, state, or local governmental agency or instrumentality pursuant to a program for the development of affordable housing would be exempt from the requirements.

Affordable Housing Tax Incentive for Benefit Area outside of New York City

The Enacted Budget provides prevailing wage for building service employees working on covered projects.

- Multiple dwellings with less than 30 units and those whose eligible conversion is carried out with the substantial assistance of grants, loans or subsidies provided by a federal, state, or local governmental agency or instrumentality pursuant to a program for the development of affordable housing would be exempt from the requirements.
- If the applicant or person working on behalf of the applicant has committed three violations of the elevated minimum wage payment requirements within a 5-year period, then their benefits can be revoked.

New York Housing for the Future Homeownership and Rental Housing Programs

The Enacted Budget includes prevailing wage requirements for construction work performed on covered projects in accordance with Article 8 of the Labor Law.

▪ OUTLOOK FOR 2025 ▪

In the upcoming 2025 Legislative Session, the Committee will remain steadfast in its commitment to advance legislation that strengthens and protects the health, safety, and viability of New York State's workforce and to ensure that the workforce is equitable, inclusive and offers opportunities for all, no matter who they are.

In 2025, the Committee will continue to advocate for the rights of all 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, unsafe workplaces and other harmful employment practices. In the upcoming legislative session, the Committee will also remain dedicated to enhancing the rights and benefits of all workers in the State and help defend against any erosion of these basic labor protections, especially given the anticipated lack of enforcing worker protections at the federal level of government.

In the upcoming session, the Committee will continue to monitor the recent updates to the unemployment insurance system, including changes to the partial unemployment insurance benefits structure, to ensure that claimants have proper access to benefits as we strive to restore the economy and get New Yorkers back to work. In addition, the Committee will look at ways to address the current unemployment insurance fund debt which is preventing an increase in weekly maximum benefits and overburdening businesses, especially small businesses. The Committee will also continue to monitor the State's workers' compensation system to ensure that all injured workers receive timely and appropriate medical care, receive wage replacement benefits, and continue to have access to the other rights and benefits promised to them.

As evidenced by this report, the 2024 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 2025 Legislative Session, and we look forward to continuing to serve the hard-working people of the great State of New York.

APPENDIX A

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

Total Number of Committee Meetings Held: 5

	Assembly Bills	Senate Bills	Total Bills
Bills Reported Favorable To:			
Codes	12	0	12
Judiciary	0	0	0
Ways and Means	4	0	4
Rules	3	0	3
Floor	4	0	4
TOTAL	23	0	23
 Committee Action			
Held for Consideration	1	0	1
Defeated	0	0	0
Enacting Clause Stricken	41	0	41
 Remaining in Committee	240	28	268
 Bills Reference Changed To:			
Ways and Means	3	0	3
TOTAL	3	0	3

APPENDIX B
CHAPTER OF LAWS 2024

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
98	8535 (Bronson)	8039 (Gounardes)	Amends Chapter 678 of the Laws of 2023 to establish an altered enforcement process for complaints from aggrieved freelance workers and transfer enforcement responsibilities to the Office of the Attorney General, rather than the Department of Labor.
142	9768 (Raga)	9369 (Ramos)	Extends, for two years, provisions of the Labor Law which allows for certain categories of permissible wage deductions.
157	9303 (Lunsford)	8600 (Ramos)	Extends the effective date of Chapter 461 of the Laws of 2017 to maintain that contractors and subcontractors who are debarred on the federal level under the Davis-Bacon Act for wage payment violations are also unable to bid on state public work contracts.
250	9770 (Taylor)	9368 (Ramos)	Extends the effectiveness of provisions of the Labor Law relating fees and expenses for unemployment insurance proceedings for an additional two years.
304	9265-A (Bronson)	8606-A (Ramos)	Requires contractors and subcontractors performing work on construction projects subject to prevailing wage to electronically submit certified payroll records to the Commissioner of Labor.
308	8947-C (Reyes)	8358-C (Ramos)	Requires the Department of Labor to produce a model workplace violence prevention training program and policy to be utilized by employers. Employers are required to provide training on workplace violence prevention and distribute a prevention policy at the time of employees' hiring and annually.

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
335	1204-A (Zebrowski)	9462-A (Ramos)	Allows occupational therapy assistants and physical therapist assistants to provide care to workers' compensation patients under the direction and supervision of an authorized provider.
391	8984 (Bronson)	8602 (Ramos)	Exempts baseball players at the minor league level covered by a collective bargaining agreement from being subject to certain payment requirements under the Labor Law.
546	5745 (Reyes)	6635 (Ramos)	Expands eligibility to receive workers' compensation benefits for extraordinary work-related stress claims to all workers.
628	8939-B (Bronson)	6328-B (Ramos)	Requires a successor call center contracted by a given governmental entity to retain employees of the former call center contractor upon termination of its contract.
652	8907-A (Bronson)	5081-C (Ramos)	Requires certain employers of warehouse workers to implement an injury reduction program to reduce the incidence and risk of musculoskeletal injuries and disorders among workers.
676	5631-E (Reyes)	9832 (Hoyleman-Sigal)	Provides protections for models and standards for model management companies' operation in the fashion industry.

APPENDIX C
BILLS VETOED IN 2024

VETO MEMO	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
62	6832-A (Lunsford)	6929 (Fernandez)	Would allow for certain tests and procedures for workers' compensation patients costing more than \$1,500 performed by an out-of-network provider to be reimbursed at the network rate. Would also increase the limit for treatment costing less than \$1,000 to \$1,500 to be done without prior approval.
95	1219-A (Bronson)	1974-A (Ramos)	Would provide exceptions to the network pharmacy requirements for certain situations.
130	8934-A (Bronson)	3065-B (Ramos)	Would require public employers with at least twenty full-time employees to provide annual training and information on preventing and reporting workplace bullying and abusive conduct.

APPENDIX D
PASSED ASSEMBLY IN 2024

ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
373-B (Bronson)	5475-B (Jackson)	Would provide prevailing wage for certain off-site custom fabrication work done for public work projects.