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

1324

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the economic development law, the public authorities law, the general municipal law and the New York state urban development corporation act, in relation to requiring first consideration of unemployed individuals, low-income individuals, dislocated workers, individuals training for nontraditional employment, as defined in the federal workforce investment act of nineteen hundred ninety-eight (P.L. 105-220), veterans, and individuals with disabilities for hiring for positions created as a result of economic development assistance

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

Section 1. Subdivision (j) of section 184 of the economic development law, as added by chapter 32 of the laws of 1987, is amended to read as follows:

(j) the extent of the applicant's willingness to make jobs available to [persons defined as eligible for services under the federal job training partnership act of nineteen hundred eighty-two] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES and the extent of the applicant's willingness to satisfy affirmative action goals;

S 2. Subdivisions 1 and 5 of section 202 of the economic development law, as added by chapter 839 of the laws of 1987, are amended to read as follows:

1. The department shall provide assistance to approved applicants for the purpose of offering skills training services that will foster economic development by creating or preserving jobs. For the purposes of

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

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this section, "applicant" shall mean an educational agency, business, or industry group or association, an employee union or organizations, a community based organization, grant recipient or administrative entity of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA and [private industry council] LOCAL WORKFORCE INVESTMENT BOARD as defined by the federal [job training partnership act (P.L. 97-300)] WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), provided that such groups have demonstrated effectiveness in the delivery of training services. Any assistance provided shall be matched at least equally by financing or contribution from other sources. Such skills training services shall include:

(a) training for entry-level employment and worker skills upgrading; or

(b) payment of on-the-job training costs for a period not to exceed twelve weeks or classroom instruction, or a combination thereof.

5. For any positions opened as a result of assistance provided under this section businesses so assisted shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL first consider [persons eligible to participate in federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the business by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.

S 3. Subdivision 8 of section 224 of the economic development law, as added by chapter 291 of the laws of 1990, is amended to read as follows:

8. Job listings. For any positions opened as a result of assistance provided under this section businesses so assisted shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL first consider [persons eligible to participate in federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the business by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.

S 4. Subparagraph 9 of paragraph (a) of subdivision 13 of section 1005 of the public authorities law, as amended by chapter 645 of the laws of 2006, is amended to read as follows:

(9) the extent of the business' willingness to make jobs available to [persons defined as eligible for services under the federal job training partnership act of nineteen hundred eighty-two] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES and the extent of the business' willingness to satisfy affirmative action goals;

S 5. Subdivision 13-d of section 1804 of the public authorities law, as amended by chapter 839 of the laws of 1992, is amended to read as follows:

13-d. To require that any new employment opportunities created in connection with industrial or commercial projects financed through loans or loan guarantees from the authority shall be listed with the New York state department of labor [job service division] DIVISION OF EMPLOYMENT SERVICES and with the administrative entity of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA created pursuant to the federal [job training partnership act (P.L. 97-300)] WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220) in which the project is located and shall first consider for such employment opportunities [persons eligible to participate in federal job training partnership act programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to such firms by such administrative entities or by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor; provided, however, that nothing contained [herein] IN THIS SECTION shall be construed to require project occupants or business entities as defined in section eighteen hundred twenty-seven of this title, to violate any existing collective bargaining agreement with respect to the hiring of new employees. Such listing shall be in a manner and form prescribed by the authority in consultation with the commissioner of labor and the commissioner of economic development.

S 6. Subdivision 2 of section 1967-a of the public authorities law, as added by chapter 356 of the laws of 1993, is amended to read as follows:

2. Except as is otherwise provided by collective bargaining contracts or agreements, new employment opportunities created as a result of projects of the agency shall be listed with the New York State Department of Labor [Community Services Division] DIVISION OF EMPLOYMENT SERVICES, and with the administrative entity of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job training partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L. 105-220) in which the project is located. Except as is otherwise provided by collective bargaining contracts or agreements, sponsors of projects shall agree, where practicable, to first consider [persons eligible to participate in federal job training partnership (P.L. No. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by [community services division] THE DIVISION OF EMPLOYMENT SERVICES of the department of labor for such new employment opportunities.

S 7. Subdivision 2 of section 2329 of the public authorities law, as added by chapter 356 of the laws of 1993, is amended to read as follows:

2. Except as is otherwise provided by collective bargaining contracts or agreements, new employment opportunities created as a result of projects of the agency shall be listed with the New York state department of labor [community services division] DIVISION OF EMPLOYMENT SERVICES, and with the administrative entity of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job training partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L. 105-220) in which the project is located. Except as is otherwise provided by collective bargaining contracts or agreements, sponsors of projects shall agree, where practicable, to first consider [persons

eligible to participate in federal job training partnership (P.L. No. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the [community services division] DIVISION OF EMPLOYMENT SERVICES of the department of labor for such new employment opportunities.

S 8. Subdivision 10 of section 3102-a of the public authorities law, as added by chapter 291 of the laws of 1990, is amended to read as follows:

10. For any positions opened as a result of a project conducted pursuant to this section businesses so assisted shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL first consider [persons eligible to participate in federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the business by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.

S 9. Subdivision 2 of section 858-b of the general municipal law, as added by chapter 356 of the laws of 1993, is amended to read as follows:

2. Except as is otherwise provided by collective bargaining contracts or agreements, new employment opportunities created as a result of projects of the agency shall be listed with the New York state department of labor [community services division] DIVISION OF EMPLOYMENT SERVICES, and with the administrative entity of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job training partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L. 105-220) in which the project is located. Except as is otherwise provided by collective bargaining contracts or agreements, sponsors of projects shall agree, where practicable, to first consider [persons eligible to participate in the federal job training partnership (P.L. No. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the [community services division] DIVISION OF EMPLOYMENT SERVICES of the department of labor for such [such] new employment opportunities.

S 10. Section 9-b of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 839 of the laws of 1987, is amended to read as follows:

S 9-b. For any positions opened as a result of assistance provided pursuant to section nine-a of this act, industrial firms so assisted shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL first consider [persons eligible to participate in federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220),

VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the industrial firm by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.

S 11. Paragraph (g) of subdivision 2 of section 16-b of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, is amended to read as follows:

(g) require companies receiving assistance pursuant to this section [to first consider], for any new position opened as a result of assistance, [persons eligible to participate in federal job training partnership act programs (P.L. 97-3400) (29 U.S.C.A. SS 801 seq.)] TO PROVIDE NOTICE OF THE POSITION OPENING TO THE LOCAL WORKFORCE INVESTMENT BOARD AND TO FIRST CONSIDER UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the company by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.

S 12. Subdivision 9 of section 16-c of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, is amended to read as follows:

(9) Priorities. The corporation shall give priority to applications for assistance pursuant to this section in which the business seeking such assistance indicates a commitment to PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND TO first consider [persons eligible to participate in federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES WHO SHALL BE REFERRED TO THE BUSINESS BY ADMINISTRATIVE ENTITIES OF THE LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.

S 13. Subdivisions 18 and 19 of section 16-e of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, are amended to read as follows:

(18) Priority. In approving loans or grants authorized pursuant to the provisions of this section, the corporation shall give priority consideration to whether a project is located in an area of economic distress. Other factors to be considered by the corporation shall include:

(a) The number of jobs created or retained;

(b) The number of jobs created for [persons eligible for benefits under the provisions of the job training partnership act (P.L. 97-3400)(29 U.S.C.A. S 801 et seq.)] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES;

(c) The priority accorded the proposed project by the regional economic development council;

(d) The participation of minority- and women-owned businesses;
(e) The impact of the project on the employment and economic condition of the community;
(f) The cost per job created or retained based on total project cost;
(g) The amount of private investment leveraged;
(h) The level of local public support; and
(i) The likelihood of accomplishing the project in a timely fashion.
In the event that the corporation does not follow the priorities of a regional economic development council, it shall make a finding, in writing, as to why the council priority was not followed.
(19) Preference. For any positions opened as a result of business development project loans, entities assisted shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL first consider [persons eligible to participate in federal job training partnership act programs (P.L. 97-3400) (29 U.S.C.A. S801 et. seq.)] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES, who shall be referred to the business by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.
S 14. Subdivision 3 of section 16-h of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 3-c of part A of chapter 58 of the laws of 1998, is amended to read as follows:
3. Applications for assistance pursuant to this section shall be reviewed and evaluated in consultation with local government officials and regional economic development offices pursuant to eligibility requirements and criteria set forth in rules and regulations promulgated by the corporation. The corporation shall develop and use a standard application project form. IN ADDITION TO SUCH OTHER CRITERIA AS THE CORPORATION MAY ADOPT, THE CORPORATION SHALL GIVE PRIORITY TO APPLICATIONS FOR ASSISTANCE IN WHICH THE BUSINESS INDICATES A COMMITMENT, FOR NEW POSITIONS OPENED AS A RESULT OF ASSISTANCE PROVIDED UNDER THIS SECTION, TO PROVIDE NOTICE OF SUCH POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND TO FIRST CONSIDER UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES WHO SHALL BE REFERRED TO THE BUSINESS BY ADMINISTRATIVE ENTITIES OF LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.
S 15. Section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act is amended by adding a new subdivision 2-a to read as follows:
2-A. FOR ANY POSITIONS OPENED AS A RESULT OF A PROJECT CONDUCTED PURSUANT TO THIS SECTION BUSINESSES SO ASSISTED SHALL PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL FIRST CONSIDER UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES WHO SHALL BE REFERRED TO THE INDUSTRIAL FIRM BY ADMINISTRATIVE ENTITIES

OF LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.

S 16. This act shall take effect immediately; provided, however, that the amendments to subdivision 8 of section 224 of the economic development law made by section three of this act shall take effect on the same date and in the same manner as section 3 of chapter 291 of the laws of 1990 takes effect; and provided, further, that the amendments to section 16-m of the New York state urban development corporation act made by section fifteen of this act shall not affect the expiration of such section and shall be deemed to expire therewith.