

# STATE OF NEW YORK

6355

2017-2018 Regular Sessions

## IN SENATE

May 11, 2017

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing the task force on jobs and the new economy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 44 to read  
2 as follows:

3 § 44. Task force on jobs and the new economy. 1. The legislature here-  
4 by finds and declares that the jobs of the twenty-first century are  
5 often created outside the context of traditional employment. Labor and  
6 employment laws have lagged the development of these new economic oppor-  
7 tunities, leading to a decline in the effectiveness of the legislative  
8 regime that provides basic standards for decent working conditions. The  
9 legislature further finds that a task force is necessary to review and  
10 assess state laws and policies to determine whether and how the legisla-  
11 ture should revise current laws to better protect workers' rights within  
12 new economic sectors, helping to balance job growth, economic opportu-  
13 nity, and workplace protections.

14 2. A task force on jobs and the new economy is hereby established  
15 within the department to:

16 (a) examine the nature of newly created jobs and economic sectors in  
17 the twenty-first century, including on-demand employment and jobs  
18 related to or created by electronic application marketplaces;

19 (b) review existing laws and regulations as they pertain to employers,  
20 employees, and the new economy;

21 (c) assess state laws on collective bargaining in the private sector  
22 and whether the public relations board as defined in article twenty of  
23 the labor law can and should exercise jurisdiction over workers in new  
24 economic sectors;

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

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1 (d) assess state laws on employment status and determine whether work-  
2 ers in new economic sectors are properly classified as employees or  
3 independent contractors, including whether changes to state law are  
4 necessary to properly clarify employment status among workers in new  
5 economic sectors;

6 (e) assess state laws on portable benefits and determine whether the  
7 state can and should provide a mechanism to allow for portable benefits  
8 among workers in new economic sectors; and

9 (f) take on other such tasks as the task force deems necessary in  
10 order to accomplish its goals.

11 3. The task force shall consist of ten members to be appointed as  
12 follows: the commissioner or his or her designee, who shall also serve  
13 as chair of the task force; the chair of the workers' compensation board  
14 or his or her designee, who shall serve as vice-chair of the task force;  
15 two members to be appointed by the governor, one of whom shall be chosen  
16 from a list provided by the New York State American Federation of Labor  
17 - Congress of Industrial Organizations, and one of whom shall be chosen  
18 from a list provided by the Business Council of New York State; two  
19 members of the senate shall be appointed by the temporary president of  
20 the senate; two members of the assembly shall be appointed by the speak-  
21 er of the assembly; one member of the senate shall be appointed by the  
22 minority leader of the senate; one member of the assembly shall be  
23 appointed by the minority leader of the assembly. From among the members  
24 as appointed, a senate chairperson and an assembly chairperson shall be  
25 appointed jointly by the temporary president of the senate and the  
26 speaker of the assembly. Any vacancy that occurs in the chair or other  
27 membership of the task force shall be filled in the same manner in which  
28 the original appointment was made. No member, officer, or employee of  
29 the task force shall be disqualified from holding any other public  
30 office or employment, nor shall he or she forfeit any such office or  
31 employment by reason of his or her appointment hereunder, notwithstand-  
32 ing the provisions of any general, special or local law, ordinance, or  
33 city charter.

34 4. The task force may employ and at pleasure remove such personnel, as  
35 it may deem necessary for the performance of the task force functions  
36 and fix their compensation within the amount appropriated therefor under  
37 the control and direction of the department. The members of the task  
38 force shall receive no compensation for their services, but shall be  
39 allowed their actual and necessary expenses incurred in the performance  
40 of their duties hereunder.

41 5. The task force may request and shall receive from any court,  
42 department, division, board, or bureau, commission, or agency of the  
43 state such assistance and data as will enable the task force to properly  
44 to carry out its powers and duties hereunder.

45 6. The task force is hereby authorized and empowered to make and sign  
46 any agreements and to do and perform any acts that may be necessary,  
47 desirable or proper to carry out the purpose and objectives of this  
48 section.

49 § 2. This act shall take effect immediately.