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

2203

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. MORELLE, TOWNS, MAGNARELLI, DelMONTE, KOON, DESTITO, SCHIMMINGER -- Multi-Sponsored by -- M. of A. CAHILL, COLTON, CUSICK, EDDINGTON, FARRELL, FIELDS, GUNTHER, LIFTON, MAGEE, McENENY, RAMOS, SCARBOROUGH -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to creating the manufacturing technology act

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

Section 1. Legislative findings and declaration. The legislature hereby finds that a skilled and educated workforce forms the foundation upon which a competitive manufacturing economy is built. The legislature also finds that globalization and rapidly evolving technologies have caused the loss of manufacturing jobs statewide, in large part due to plant closings and outsourcing of these jobs to other states and countries. The legislature further finds that the loss of manufacturing jobs has created economic hardship for the state and its citizens.

The legislature also finds that New York companies can be competitive in national and international markets and able to retain workers in their current occupations in industries and geographic regions where the jobs are currently located if existing facilities were retooled to upgrade production processes and if incumbent workers were retrained in the operations of these new technologies.

Finally, the legislature finds and declares that upgrading and modernizing facilities in both traditional manufacturing and new and emerging industries and retraining their incumbent workers is a worthwhile endeavor that will stem the loss of manufacturing jobs statewide.

S 2. The labor law is amended by adding a new article 25-B to read as follows:

ARTICLE 25-B
MANUFACTURING TECHNOLOGY ACT

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

LBD04916-01-9

SECTION 861. SHORT TITLE.
862. MANUFACTURING TECHNOLOGY PROGRAM.

S 861. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE MANUFACTURING TECHNOLOGY ACT OF 2009.

S 862. MANUFACTURING TECHNOLOGY PROGRAM. THE DEPARTMENT SHALL ISSUE REQUESTS FOR PROPOSALS FOR MANUFACTURING TECHNOLOGY PROGRAM (HEREINAFTER KNOWN AS "MANUTECH") TRAINING GRANTS FOR EMPLOYERS, CONSORTIA OF EMPLOYERS, LABOR ORGANIZATIONS OR INDUSTRY ASSOCIATIONS, DEFINED AS GROUPS OF EMPLOYERS JOINED FORMALLY OR INFORMALLY FOR THE PURPOSE OF SOLVING COMMON PROBLEMS OR WORKING COOPERATIVELY PURSUANT TO THIS ARTICLE. 1. EMPLOYERS SEEKING ASSISTANCE. (A) EMPLOYERS SEEKING MANUTECH GRANT ASSISTANCE PURSUANT TO THIS ARTICLE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING DOCUMENTATION:

(I) FACILITY UPGRADES TO BE UNDERTAKEN TO ENHANCE PRODUCTIVITY AND COMPETITIVENESS;

(II) SKILL UPGRADES REQUIRED OF EMPLOYEES IN ORDER TO BE RETAINED IN THEIR CURRENT OCCUPATIONS;

(III) CONSULTATION WITH APPROPRIATE LABOR ORGANIZATIONS REPRESENTING FACILITY EMPLOYEES;

(IV) SELECTION OF A COMMUNITY COLLEGE, NOT-FOR-PROFIT RESEARCH UNIVERSITY OR COLLEGE, TO PROVIDE THE TRAINING BASED ON, BUT NOT LIMITED TO, THE FOLLOWING CRITERIA:

(A) EXPERIENCE WITH AND EVIDENCE OF SUCCESS IN PROVIDING THE TRAINING REQUESTED;

(B) ADMINISTRATIVE CAPACITY TO PROVIDE THE TRAINING;

(C) ITEMIZED COSTS OF THE TRAINING; AND

(D) ANY OTHER FACTORS DEEMED APPROPRIATE BY THE DEPARTMENT.

(B) EMPLOYERS SHALL PROVIDE NO LESS THAN FIFTY PERCENT OF A FUNDING MATCH TO THE MANUTECH GRANT ASSISTANCE REQUEST. SUCH FUNDING MATCH MAY INCLUDE SUCH IN-KIND SERVICES AS:

(I) RELEASE TIME FOR EMPLOYEES ENROLLED IN THE TRAINING;

(II) SPACE FOR THE TRAINING; AND

(III) EQUIPMENT AND OTHER NECESSARY ITEMS REQUIRED FOR THE TRAINING.

2. REPAYMENT PROVISION. EMPLOYERS SHALL AGREE IN WRITING TO REPAY THE FULL AMOUNT OF THE AWARD TO THE STATE IF THERE ARE LAYOFFS OR TERMINATIONS RESULTING FROM THE RELOCATION BY THE COMPANY OUT OF THE GEOGRAPHIC AREA IN WHICH IT OPERATED AT THE TIME OF THE GRANT AWARD WITHIN ONE YEAR OF THE END OF THE GRANT PERIOD. CLOSINGS THAT ARE A RESULT OF THE COMPANY'S INABILITY TO CONTINUE OPERATING BECAUSE OF ECONOMIC HARDSHIP WILL NOT RESULT IN REQUIRED REPAYMENT OF THE GRANT.

3. REPORTING AND EVALUATION. THE DEPARTMENT SHALL REPORT ON THE ACTIVITIES FUNDED BY THIS ARTICLE TO THE SPEAKER OF THE ASSEMBLY AND TEMPORARY PRESIDENT OF THE SENATE NO LATER THAN JANUARY FIRST, TWO THOUSAND ELEVEN, AND ON THE FIRST OF JANUARY EVERY YEAR THEREAFTER. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(A) A LIST OF MANUTECH TRAINING GRANTS AND AMOUNTS;

(B) THE NUMBER OF INCUMBENT WORKERS RETRAINED; AND

(C) DOCUMENTED EVIDENCE OF JOB RETENTION.

4. RULES AND REGULATIONS. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

S 3. This act shall take effect immediately.