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

3858

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. ENGLEBRIGHT, GREENE, MARKEY, MILLMAN, MORELLE, PEOPLES, COLTON, LUPARDO, J. RIVERA, MAISEL, ABBATE, BROOK-KRASNY, CLARK, PHEFFER, MAGNARELLI, ALESSI, GUNTHER, CAHILL, BOYLAND, DINOWITZ -- Multi-Sponsored by -- M. of A. BENEDETTO, BING, DIAZ, EDDINGTON, GABRYSZAK, GOTTFRIED, JACOBS, KOON, LATIMER, McENENY, OAKS, PAULIN, REILLY, ROSENTHAL, SWEENEY, WEISENBERG -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to establishing the mature work task force, and providing for its powers and duties; and to repeal article 3 of such law relating thereto

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

Section 1. Legislative findings and intent. The legislature hereby finds and declares that the demographic projections are showing clearly that older workers will continue to make up a rapidly growing percentage of the work force. This growth represents the fact that the population as a whole is getting older due to several factors, including the aging of the baby boom generation, lower birth rates for generations immediately following the baby boom, longer life expectancies and younger generations leaving the state to work elsewhere. The legislature believes efforts must be undertaken to identify priorities, policy alternatives and emerging issues with respect to assisting both businesses and older New Yorkers in preparing for the impact of this tremendous demographic shift. The legislature therefore establishes the mature worker taskforce to ensure a coordination of public and private efforts to address the needs of the growing numbers of older workers and to help allocate resources as necessary. This newly established taskforce shall be comprised of appropriate state agency personnel, as well as aging advocates, mature workers ages fifty-five and older, senior service providers, employment training specialists, and representatives of labor and business interests.

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

LBD07107-01-9

S 2. Article 3 of the elder law is REPEALED and a new article 3 is added to read as follows:

ARTICLE III

MATURE WORKER TASK FORCE

SECTION 301. DEFINITIONS.
302. MATURE WORKER TASK FORCE.
303. POWERS AND DUTIES.
304. IMPLEMENTATION.

S 301. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE TERM "TASK FORCE" SHALL MEAN THE MATURE WORKER TASK FORCE ESTABLISHED BY SECTION THREE HUNDRED TWO OF THIS ARTICLE.

S 302. MATURE WORKER TASK FORCE. 1. THERE IS HEREBY ESTABLISHED WITHIN THE OFFICE FOR THE AGING A MATURE WORKER TASK FORCE. THE PURPOSE OF THE TASK FORCE SHALL BE TO COORDINATE THE STATE'S EFFORTS TO ASSIST OLDER PERSONS WHO CHOOSE TO WORK AND REMAIN SELF-SUFFICIENT THROUGHOUT THEIR LIVES, OR WHO CHOOSE TO WORK AFTER RETIREMENT; TO SUPPORT BUSINESS GROWTH AND DEVELOPMENT ACROSS THE STATE IN LIGHT OF THE INCREASING AGING WORKFORCE; AND TO COMBAT AGEISM AND STEREOTYPES.

2. THE TASK FORCE SHALL BE COMPOSED OF TWENTY-SEVEN MEMBERS AS FOLLOWS:

(A) NINE EX-OFFICIO MEMBERS AS FOLLOWS:

(1) THE DIRECTOR OF THE OFFICE FOR THE AGING, WHO SHALL SERVE AS CO-CHAIR OF THE TASK FORCE;

(2) THE COMMISSIONER OF LABOR, WHO SHALL SERVE AS CO-CHAIR OF THE TASK FORCE;

(3) THE COMMISSIONER OF EDUCATION;

(4) THE COMMISSIONER OF MENTAL HEALTH;

(5) THE PRESIDENT OF THE STATE CIVIL SERVICE COMMISSION;

(6) THE CHAIR OF THE SENATE AGING COMMITTEE;

(7) THE CHAIR OF THE SENATE LABOR COMMITTEE;

(8) THE CHAIR OF THE ASSEMBLY AGING COMMITTEE; AND

(9) THE CHAIR OF THE ASSEMBLY LABOR COMMITTEE.

ANY EX-OFFICIO MEMBER MAY DESIGNATE A REPRESENTATIVE TO ACT ON HIS OR HER BEHALF;

(B) TWO MEMBERS APPOINTED BY THE GOVERNOR, WHO SHALL BE REPRESENTATIVES OF NOT-FOR-PROFIT CORPORATIONS THE PRIMARY PURPOSES OF WHICH ARE TO PROVIDE EMPLOYMENT SERVICES TO OLDER PERSONS AND SPECIFICALLY SERVE THEM IN THEIR EFFORTS TO DEVELOP THE REQUISITE SKILLS FOR AN EVER CHANGING JOB MARKET;

(C) TWO MEMBERS APPOINTED BY THE GOVERNOR, WHO SHALL BE REPRESENTATIVES OF ORGANIZATIONS REPRESENTING BUSINESS INTERESTS;

(D) FIVE MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, OF WHOM ONE SHALL BE A REPRESENTATIVE OF ORGANIZED LABOR, ONE SHALL BE A RESEARCH EXPERT IN THE FIELD OF OLDER WORKER EMPLOYMENT ISSUES AND ONE SHALL BE A MATURE WORKER;

(E) FIVE MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY, OF WHOM ONE SHALL BE A REPRESENTATIVE OF ORGANIZED LABOR, ONE SHALL BE A RESEARCH EXPERT IN THE FIELD OF OLDER WORKER EMPLOYMENT ISSUES AND ONE SHALL BE A MATURE WORKER;

(F) TWO MEMBERS APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(G) TWO MEMBERS APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY.

3. THE ADMINISTRATIVE SUPPORT OF THE TASK FORCE SHALL BE EQUALLY PROVIDED BY THE OFFICE FOR THE AGING AND THE DEPARTMENT OF LABOR.

S 303. POWERS AND DUTIES. THE TASK FORCE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. TO FACILITATE INTERAGENCY PLANNING AND POLICY, REVIEW SPECIFIC AGENCY INITIATIVES FOR THEIR IMPACT ON MATURE WORKERS AND BUSINESSES, PROVIDE A CONTINUING FORUM TO DISCUSS CONCERNS AND ISSUES RELATED TO THE FORMULATION OF STATE POLICY DESIGNED TO HELP ADDRESS THIS POLICY AREA, AND DEVELOP LINKAGES AND PARTNERSHIPS WITH BUSINESSES AND OTHER APPROPRIATE ENTITIES TO ASSIST SUCH BUSINESSES IN IDENTIFYING AND HELPING THEM TO FILL THEIR WORKFORCE NEEDS;

2. TO IDENTIFY EXISTING STATUTORY AND REGULATORY PROVISIONS, AND BUSINESS PRACTICES THAT LIMIT OPPORTUNITIES FOR MATURE WORKERS, AND DEVELOP LEGISLATIVE AND REGULATORY PROPOSALS TO ADDRESS SUCH LIMITATIONS;

3. TO IDENTIFY BEST PRACTICES IN THE PRIVATE SECTOR FOR HIRING, RETAINING AND RETRAINING MATURE WORKERS, AND SERVE AS A CLEARING HOUSE OF SUCH INFORMATION;

4. TO ASSESS THE EFFECTIVENESS AND COSTS OF PROGRAMS THAT STATE AGENCIES HAVE IMPLEMENTED TO HIRE, RETAIN AND RETRAIN MATURE WORKERS, AND RECOMMEND COST-EFFECTIVE PROGRAMS FOR ALL STATE AGENCIES TO HIRE, RETAIN AND RETRAIN OLDER WORKERS;

5. TO MEET QUARTERLY OR MORE FREQUENTLY IF ITS BUSINESS SHALL REQUIRE;

6. TO ANNUALLY REPORT TO THE GOVERNOR AND THE LEGISLATURE ON OR BEFORE JUNE THIRTIETH COMMENCING IN TWO THOUSAND TEN, ITS RECOMMENDATIONS FOR STATE POLICY RELATING TO MATURE WORKERS, BEST PRACTICES IN THE BUSINESS SECTOR FOR HIRING, RETAINING AND RETRAINING MATURE WORKERS, AND A REVIEW OF SERVICES INITIATED AND COORDINATED AMONG PUBLIC AND PRIVATE AGENCIES THAT MEET THE NEEDS OF OLDER WORKERS WHO ARE SEEKING TO REMAIN ACTIVE IN THE WORKFORCE. SUCH REPORT SHALL IDENTIFY, IN CONJUNCTION WITH THE BUSINESS COMMUNITY, MATURE WORKER FRIENDLY BUSINESSES THAT ARE SEEKING TO HIRE AND/OR TRAIN WORKERS. THE REPORT REQUIRED BY THIS SUBDIVISION SHALL BE POSTED ON THE OFFICE FOR THE AGING'S INTERNET WEBSITE;

7. TO SERVE AS THE FOCAL POINT FOR THE DEVELOPMENT OF COORDINATED RESPONSES BY THE VARIOUS STATE AGENCIES WITH REGARD TO ISSUES OF IMPORTANCE TO MATURE WORKERS TO ENSURE TIMELY AND APPROPRIATE RESPONSES TO ISSUES AND PROBLEMS; AND

8. ANNUALLY REPORT TO THE GOVERNOR, THE LEGISLATURE AND THE DIRECTOR OF THE OFFICE FOR THE AGING WITH AN ASSESSMENT OF THE EFFECTIVENESS OF THE PROVISIONS OF THIS ARTICLE AND ANY BARRIERS OR OTHER ISSUES WHICH PREVENT THE TASK FORCE FROM CARRYING OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE.

S 304. IMPLEMENTATION. 1. THE OFFICE FOR THE AGING SHALL COLLABORATE WITH THE DEPARTMENT OF LABOR ON ISSUES RELATED TO THE DEVELOPMENT OF MATURE WORKER SUPPORT INITIATIVES AND ENHANCING ACCESS BY MATURE WORKERS TO EXISTING TRAINING AND EMPLOYMENT SERVICES FUNDED THROUGH FEDERAL AND STATE RESOURCES.

2. THE OFFICE FOR THE AGING SHALL UTILIZE THE DATA AND INFORMATION COMPILED AND MAINTAINED BY THE TASK FORCE TO COORDINATE STATE FUNDED RESEARCH AND EMPLOYMENT TRAINING EFFORTS TO ENSURE THE MOST EFFICIENT USE OF FUNDS AVAILABLE FOR SUCH PURPOSES.

S 3. This act shall take effect immediately.