

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

5764--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 19, 2009

Introduced by M. of A. SCARBOROUGH, PEOPLES-STOKES, TITUS, COLTON, POWELL, V. LOPEZ, JACOBS, ORTIZ, J. RIVERA -- Multi-Sponsored by -- M. of A. AUBRY, BOYLAND, BRENNAN, CANESTRARI, CHRISTENSEN, COOK, CYMBROWITZ, GLICK, JOHN, MAYERSOHN, MCENENY, MILLMAN, NOLAN, PHEFFER, ROBINSON, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to establishing the summer employment program

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

1 Section 1. Legislative findings and declaration. The legislature finds
2 and declares that summer employment is an important formative activity
3 for youth as they make transitions between middle and high school and
4 into employment or post-secondary education. The legislature also finds
5 that the summer months provide an ideal time frame during which youth
6 can earn money and experience the world of work without placing limita-
7 tions on the time that can, and should, be spent preparing for and
8 attending classes.
9 The legislature also finds that employment for youth can be valued not
10 only in terms of the work performed but also in relation to the enhanced
11 self-esteem of participants that comes, in part, from earned income.
12 The legislature also finds that employment provides an opportunity for
13 young people to gain interpersonal and employability skills, including
14 team building, conflict resolution and problem solving, that are comple-
15 mentary to academic activity and that will serve employers well in the
16 future when they have a pool of job candidates who are experienced with
17 workplace expectations.

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

LBD04446-03-0

1 Therefore the legislature declares that a summer employment program
2 would have significant benefit for both participants and employers.

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

5 ARTICLE 25-B

6 SUMMER EMPLOYMENT PROGRAM

7 SECTION 862. SHORT TITLE.

8 862-A. ADMINISTRATION.

9 862-B. PROGRAM.

10 862-C. PROVIDERS.

11 862-D. USE OF FUNDS.

12 862-E. REPORTING AND EVALUATION.

13 S 862. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
14 THE "SUMMER EMPLOYMENT PROGRAM".

15 S 862-A. ADMINISTRATION. 1. THE COMMISSIONER SHALL FORMULATE AND
16 ESTABLISH A SUMMER EMPLOYMENT PROGRAM FOR THE PURPOSE OF PROVIDING YOUTH
17 FOURTEEN TO TWENTY-ONE YEARS OF AGE WITH PAID SUMMER EMPLOYMENT THROUGH
18 CONTRACTS WITH LOCAL PROVIDERS ELIGIBLE TO PARTICIPATE IN THE PROGRAM
19 PURSUANT TO SECTION EIGHT HUNDRED SIXTY-TWO-C OF THIS ARTICLE. THE
20 COMMISSIONER SHALL DO THE FOLLOWING:

21 A. INSTRUCT LOCAL WORKFORCE INVESTMENT BOARDS TO DEVELOP AND ISSUE A
22 REQUEST FOR PROPOSAL FOR LOCAL ELIGIBLE PROVIDERS TO PROVIDE SUMMER
23 EMPLOYMENT NO LATER THAN NOVEMBER FIRST, TWO THOUSAND ELEVEN AND EACH
24 NOVEMBER FIRST TRIENNIALLY THEREAFTER. PROPOSALS SHALL INCLUDE BUT ARE
25 NOT LIMITED TO:

26 (I) A DESCRIPTION OF THE JOBS TO BE DEVELOPED OR FILLED; AND

27 (II) WAGES AND BENEFITS;

28 B. NOTIFY LOCAL PROVIDERS NO LATER THAN MARCH FIRST OF EACH YEAR OF
29 PROGRAM ALLOCATION AND ENSURE THAT PROGRAMS CAN RECRUIT AND ASSIGN
30 PARTICIPANTS TO JOBS IN A TIMELY MANNER; AND

31 C. PROVIDE TECHNICAL ASSISTANCE TO PROGRAM PROVIDERS AS APPROPRIATE.

32 2. THE PROGRAM SHALL BE ADMINISTERED INDEPENDENTLY OF ANY OTHER FEDER-
33 ALLY-FUNDED YEAR-ROUND, BEFORE- OR AFTER-SCHOOL, OR SUMMER JOBS PROGRAM
34 AND PROGRAM FUNDS SHALL NOT BE USED TO SUPPLANT FUNDS OTHERWISE AVAIL-
35 ABLE FROM ANY FEDERAL, STATE OR LOCAL SOURCE.

36 S 862-B. PROGRAM. 1. EMPLOYMENT OPPORTUNITIES SUPPORTED THROUGH THE
37 PROGRAM SHALL BE:

38 A. POSITIONS IN THE PUBLIC OR NOT-FOR-PROFIT SECTORS;

39 B. JOBS THAT EMPLOY INDIVIDUALS A MINIMUM OF TWENTY-FOUR HOURS PER
40 WEEK; AND

41 C. JOBS THAT ARE COMPLIANT WITH ALL STATE AND FEDERAL LABOR LAWS AND
42 HEALTH AND SAFETY STANDARDS.

43 2. PARTICIPATION SHALL BE LIMITED TO YOUTH FOURTEEN TO TWENTY-ONE
44 YEARS OF AGE. A. PRIORITY SHALL BE GIVEN TO THOSE YOUTH WHO ARE FOURTEEN
45 TO FIFTEEN YEARS OF AGE.

46 B. NOT LESS THAN SEVENTY PERCENT OF PARTICIPANTS SHALL BE FROM FAMI-
47 LIES WITH INCOME AT OR BELOW TWO HUNDRED PERCENT OF THE FEDERAL POVERTY
48 LEVEL.

49 S 862-C. PROVIDERS. PROVIDERS ELIGIBLE TO RECEIVE FUNDS UNDER THIS
50 PROGRAM ARE LIMITED TO LOCAL COMMUNITY-BASED ORGANIZATIONS, GOVERNMENT
51 ENTITIES AND WORKFORCE INVESTMENT BOARDS WITH PRIOR EXPERIENCE IN ADMIN-
52 ISTERING AND PROVIDING SUMMER YOUTH EMPLOYMENT SERVICES. PREFERENCE
53 SHALL BE GIVEN TO COMMUNITY-BASED ORGANIZATIONS AND FURTHER PREFERENCE
54 SHALL BE GIVEN TO THOSE COMMUNITY AND GOVERNMENT AGENCIES WITH DEMON-
55 STRATED SUCCESSFUL EXPERIENCE IN PROVIDING YOUTH EMPLOYMENT.

1 S 862-D. USE OF FUNDS. 1. FUNDS SHALL BE USED UNDER THIS ARTICLE FOR
2 THE FOLLOWING:
3 A. WAGES AND BENEFITS;
4 B. TRANSPORTATION;
5 C. CLOTHING ALLOWANCE INCLUDING FULL-COST OF UNIFORMS; AND
6 D. TOOLS AND SUPPLIES.
7 2. NO MORE THAN TEN PERCENT OF THE FUNDS SHALL BE USED FOR ADMINISTRA-
8 TIVE PURPOSES.
9 S 862-E. REPORTING AND EVALUATION. ON OR BEFORE DECEMBER FIRST, TWO
10 THOUSAND TWELVE AND ON OR BEFORE EVERY SUBSEQUENT DECEMBER FIRST, THE
11 COMMISSIONER SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF
12 THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON THE IMPACT OF THE PROGRAM.
13 SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:
14 1. A DESCRIPTION OF THE SUMMER POSITIONS FILLED BY PROGRAM PARTIC-
15 IPANTS INCLUDING:
16 A. JOB TITLES;
17 B. WAGES AND BENEFITS; AND
18 C. NUMBER OF PARTICIPANTS BY AGE.
19 2. LISTS OF EMPLOYERS BY LOCATION.
20 S 3. This act shall take effect April 1, 2011.