

2586

2009-2010 Regular Sessions

I N S E N A T E

February 24, 2009

Introduced by Sens. GOLDEN, HANNON, MAZIARZ, PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the elder law, in relation to establishing the mature worker employment training program

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

1 Section 1. The elder law is amended by adding a new article IV to read  
2 as follows:

3 ARTICLE IV  
4 MATURE WORKER EMPLOYMENT  
5 TRAINING PROGRAM

6 SECTION 401. DEFINITIONS.

7 402. DUTIES OF THE DIRECTOR.

8 403. FUNDING FOR MATURE WORKER TRAINING PROGRAM.

9 404. REPORT OF THE DIRECTOR.

10 S 401. DEFINITIONS. AS USED IN THIS SECTION:

11 1. "ADVISORY COMMITTEE FOR THE AGING" SHALL MEAN THE ADVISORY COMMIT-  
12 TEE FOR THE AGING ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TEN OF  
13 THIS CHAPTER.

14 2. "DESIGNATED AGENCY" SHALL MEAN A DESIGNATED AGENCY AS DEFINED IN  
15 PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWO HUNDRED FOURTEEN OF THIS  
16 CHAPTER.

17 3. "ELIGIBLE PERSON" SHALL MEAN AN INDIVIDUAL WHO IS FIFTY-FIVE YEARS  
18 OF AGE OR OLDER AND IS SEEKING AN EMPLOYMENT TRAINING PROGRAM TO ENABLE  
19 THEM TO REMAIN IN OR RE-ENTER THE WORK FORCE.

20 4. "MATURE WORKER TRAINING PROGRAM" SHALL MEAN A PROGRAM, DEVELOPED IN  
21 CONSULTATION WITH THE COMMISSIONER OF LABOR, PROVIDING A VARIETY OF  
22 EMPLOYMENT SERVICES TO ELIGIBLE PERSONS.

23 S 402. DUTIES OF THE DIRECTOR. 1. THE DIRECTOR IS AUTHORIZED AND  
24 DIRECTED TO ESTABLISH MATURE WORKER TRAINING PROGRAMS TO BE FUNDED

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

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1 PURSUANT TO SECTION FOUR HUNDRED THREE OF THIS ARTICLE. SUCH DIRECTOR,  
2 IN CONSULTATION WITH THE COMMISSIONER OF LABOR, SHALL PROMULGATE RULES  
3 AND REGULATIONS ESTABLISHING REQUIREMENTS AND STANDARDS FOR SUCH  
4 PROGRAMS. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED  
5 TO:

- 6 (A) THE TRAINING SERVICES TO BE PROVIDED;
- 7 (B) THE ELIGIBILITY CRITERIA;
- 8 (C) A SLIDING SCALE FOR COST SHARING BY PROGRAM PARTICIPANTS;
- 9 (D) MONITORING AND EVALUATION OF PROGRAMS; AND
- 10 (E) ANY OTHER RULES AND REGULATIONS THE DIRECTOR DEEMS NECESSARY AND  
11 APPROPRIATE.

12 2. THE RULES AND REGULATIONS PROMULGATED PURSUANT TO SUBDIVISION ONE  
13 OF THIS SECTION SHALL PROVIDE FOR THE INCLUSION OF MATURE WORKER TRAIN-  
14 ING PROGRAMS IN COUNTY PLANS AS DEFINED IN PARAGRAPH (G) OF SUBDIVISION  
15 ONE OF SECTION TWO HUNDRED FOURTEEN OF THIS CHAPTER.

16 S 403. FUNDING FOR MATURE WORKER TRAINING PROGRAM. 1. THE DIRECTOR  
17 SHALL, WITHIN THE AMOUNT APPROPRIATED THEREFOR, AWARD GRANTS ON A  
18 COMPETITIVE BASIS TO NOT-FOR-PROFIT CORPORATIONS, DESIGNATED AGENCIES  
19 AND LOCAL GOVERNMENTS WITH DEMONSTRATED EXPERIENCE OPERATING MATURE  
20 WORKER TRAINING PROGRAMS, WITH CONSIDERATION OF REGIONAL NEEDS. SUCH  
21 GRANTS SHALL BE EQUAL TO SEVENTY-FIVE PERCENT OF THE ALLOWABLE EXPENDI-  
22 TURES FOR SERVICES PURSUANT TO THIS ARTICLE; PROVIDED, HOWEVER, THAT THE  
23 DIRECTOR MAY ACCEPT IN KIND EQUIVALENTS TO COMPRISE UP TO FIFTEEN  
24 PERCENT OF THE GRANT RECIPIENT'S TWENTY-FIVE PERCENT SHARE OF SUCH  
25 EXPENDITURES; PROVIDED, FURTHER, THAT IN THE CASE OF MATURE WORKER  
26 TRAINING PROGRAM PROVIDERS WHICH CAN DEMONSTRATE FINANCIAL NEED, THE  
27 DIRECTOR MAY AWARD GRANTS UP TO ONE HUNDRED PERCENT OF THE ALLOWABLE  
28 EXPENDITURES.

29 2. THE OFFICE SHALL EXPEND NOT MORE THAN TEN PERCENT OF THE APPROPRI-  
30 ATIONS, MADE FOR THE PURPOSES OF THIS ARTICLE, FOR THE ADMINISTRATIVE  
31 EXPENSES OF THE IMPLEMENTATION THEREOF.

32 3. NO EXPENDITURE OF FUNDS SHALL BE MADE PURSUANT TO THIS ARTICLE TO  
33 ANY MATURE WORKER TRAINING PROGRAM FOR SERVICES PROVIDED TO ELDERLY  
34 PERSONS WHO ARE OTHERWISE RECEIVING COMPARABLE SERVICES WHETHER THROUGH  
35 THE WORKFORCE INVESTMENT ACT, THE JOB TRAINING PARTNERSHIP ACT, THE  
36 SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM, THE CARL D. PERKINS VOCA-  
37 TIONAL AND APPLIED TECHNOLOGY EDUCATION ACT OF 1990 OR ANY OTHER SOURCE.

38 S 404. REPORT OF THE DIRECTOR. THE DIRECTOR, IN CONSULTATION WITH THE  
39 ADVISORY COMMITTEE FOR THE AGING, AFFECTED STATE AGENCIES, AFFECTED  
40 MUNICIPAL AGENCIES AND PERSONS INVOLVED IN PROVIDING MATURE WORKER  
41 TRAINING PROGRAM SERVICES, SHALL, ON OR BEFORE DECEMBER THIRTY-FIRST,  
42 TWO THOUSAND TEN, ISSUE A REPORT TO THE GOVERNOR, THE TEMPORARY PRESI-  
43 DENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE  
44 COMMITTEE ON LABOR, THE CHAIR OF THE SENATE COMMITTEE ON AGING, THE  
45 CHAIR OF THE ASSEMBLY COMMITTEE ON LABOR AND THE CHAIR OF THE ASSEMBLY  
46 COMMITTEE ON AGING ON THE PROJECTED COSTS AND BENEFITS OF ESTABLISHING  
47 UNIFORM STANDARDS AND REQUIREMENTS FOR THE OPERATION OF MATURE WORKER  
48 TRAINING PROGRAMS. SUCH REPORT SHALL INCLUDE THE DIRECTOR'S FINDINGS,  
49 ESTIMATES AND RECOMMENDATIONS WITH REGARD TO THE FISCAL IMPLICATIONS OF  
50 THE REGULATION OF MATURE WORKER TRAINING PROGRAMS.

51 S 2. This act shall take effect on the one hundred eightieth day after  
52 it shall have become a law. Provided, that, effective immediately, any  
53 rules and regulations necessary to implement the provisions of this act  
54 on its effective date are authorized to be completed on or before such  
55 date.