

4095

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. MILLMAN, JOHN -- Multi-Sponsored by -- M. of A. AUBRY, BENJAMIN, BOYLAND, BRENNAN, CAHILL, CARROZZA, COLTON, DIAZ, GORDON, GREENE, V. LOPEZ, McENENY, MORELLE, PERRY, J. RIVERA, SCARBOROUGH, TOWNS, WRIGHT -- read once and referred to the Committee on Labor

AN ACT to amend the economic development law, the public authorities law, the general municipal law and the New York state urban development corporation act, in relation to requiring first consideration of unemployed individuals, low-income individuals, dislocated workers, individuals training for nontraditional employment, as defined in the federal workforce investment act of nineteen hundred ninety-eight (P.L. 105-220), veterans, and individuals with disabilities for hiring for positions created as a result of economic development assistance

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

1 Section 1. Subdivision (j) of section 184 of the economic development
2 law, as added by chapter 32 of the laws of 1987, is amended to read as
3 follows:
4 (j) the extent of the applicant's willingness to make jobs available
5 to [persons defined as eligible for services under the federal job
6 training partnership act of nineteen hundred eighty-two] UNEMPLOYED
7 INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS
8 TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORK-
9 FORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220),
10 VETERANS, AND INDIVIDUALS WITH DISABILITIES and the extent of the appli-
11 cant's willingness to satisfy affirmative action goals;
12 S 2. Subdivisions 1 and 5 of section 202 of the economic development
13 law, as added by chapter 839 of the laws of 1987, are amended to read as
14 follows:
15 1. The department shall provide assistance to approved applicants for
16 the purpose of offering skills training services that will foster

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

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1 economic development by creating or preserving jobs. For the purposes of
2 this section, "applicant" shall mean an educational agency, business, or
3 industry group or association, an employee union or organizations, a
4 community based organization, grant recipient or administrative entity
5 of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA and
6 [private industry council] LOCAL WORKFORCE INVESTMENT BOARD as defined
7 by the federal [job training partnership act (P.L. 97-300)] WORKFORCE
8 INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), provided
9 that such groups have demonstrated effectiveness in the delivery of
10 training services. Any assistance provided shall be matched at least
11 equally by financing or contribution from other sources. Such skills
12 training services shall include:

13 (a) training for entry-level employment and worker skills upgrading;
14 or

15 (b) payment of on-the-job training costs for a period not to exceed
16 twelve weeks or classroom instruction, or a combination thereof.

17 5. For any positions opened as a result of assistance provided under
18 this section businesses so assisted shall PROVIDE NOTICE OF POSITION
19 OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL first consid-
20 er [persons eligible to participate in federal job training partnership
21 act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVID-
22 UALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL
23 EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINE-
24 TEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH
25 DISABILITIES who shall be referred to the business by administrative
26 entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS
27 created pursuant to such act or by the [job service division] DIVISION
28 OF EMPLOYMENT SERVICES of the department of labor.

29 S 3. Subdivision 8 of section 224 of the economic development law, as
30 added by chapter 291 of the laws of 1990, is amended to read as follows:

31 8. Job listings. For any positions opened as a result of assistance
32 provided under this section businesses so assisted shall PROVIDE NOTICE
33 OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL
34 first consider [persons eligible to participate in federal job training
35 partnership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-IN-
36 COME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRAD-
37 ITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT
38 OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVID-
39 UALS WITH DISABILITIES who shall be referred to the business by adminis-
40 trative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT
41 AREAS created pursuant to such act or by the [job service division]
42 DIVISION OF EMPLOYMENT SERVICES of the department of labor.

43 S 4. Subparagraph 9 of paragraph (a) of subdivision 13 of section 1005
44 of the public authorities law, as amended by chapter 645 of the laws of
45 2006, is amended to read as follows:

46 (9) the extent of the business' willingness to make jobs available to
47 [persons defined as eligible for services under the federal job training
48 partnership act of nineteen hundred eighty-two] UNEMPLOYED INDIVIDUALS,
49 LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR
50 NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVEST-
51 MENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND
52 INDIVIDUALS WITH DISABILITIES and the extent of the business' willing-
53 ness to satisfy affirmative action goals;

54 S 5. Subdivision 13-d of section 1804 of the public authorities law,
55 as amended by chapter 839 of the laws of 1992, is amended to read as
56 follows:

1 13-d. To require that any new employment opportunities created in
2 connection with industrial or commercial projects financed through loans
3 or loan guarantees from the authority shall be listed with the New York
4 state department of labor [job service division] DIVISION OF EMPLOYMENT
5 SERVICES and with the administrative entity of the [service delivery
6 area] LOCAL WORKFORCE INVESTMENT AREA created pursuant to the federal
7 [job training partnership act (P.L. 97-300)] WORKFORCE INVESTMENT ACT OF
8 NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220) in which the project is
9 located and shall first consider for such employment opportunities
10 [persons eligible to participate in federal job training partnership act
11 programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED
12 WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED
13 IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT
14 (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be
15 referred to such firms by such administrative entities or by the [job
16 service division] DIVISION OF EMPLOYMENT SERVICES of the department of
17 labor; provided, however, that nothing contained [herein] IN THIS
18 SECTION shall be construed to require project occupants or business
19 entities as defined in section eighteen hundred twenty-seven of this
20 title, to violate any existing collective bargaining agreement with
21 respect to the hiring of new employees. Such listing shall be in a
22 manner and form prescribed by the authority in consultation with the
23 commissioner of labor and the commissioner of economic development.

24 S 6. Subdivision 2 of section 1967-a of the public authorities law, as
25 added by chapter 356 of the laws of 1993, is amended to read as follows:

26 2. Except as is otherwise provided by collective bargaining contracts
27 or agreements, new employment opportunities created as a result of
28 projects of the agency shall be listed with the New York State Depart-
29 ment of Labor [Community Services Division] DIVISION OF EMPLOYMENT
30 SERVICES, and with the administrative entity of the [service delivery
31 area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job train-
32 ing partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L.
33 105-220) in which the project is located. Except as is otherwise
34 provided by collective bargaining contracts or agreements, sponsors of
35 projects shall agree, where practicable, to first consider [persons
36 eligible to participate in federal job training partnership (P.L. No.
37 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLO-
38 CATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS
39 DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED
40 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES
41 who shall be referred by administrative entities of [service delivery
42 areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or
43 by [community services division] THE DIVISION OF EMPLOYMENT SERVICES of
44 the department of labor for such new employment opportunities.

45 S 7. Subdivision 2 of section 2329 of the public authorities law, as
46 added by chapter 356 of the laws of 1993, is amended to read as follows:

47 2. Except as is otherwise provided by collective bargaining contracts
48 or agreements, new employment opportunities created as a result of
49 projects of the agency shall be listed with the New York state depart-
50 ment of labor [community services division] DIVISION OF EMPLOYMENT
51 SERVICES, and with the administrative entity of the [service delivery
52 area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job train-
53 ing partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L.
54 105-220) in which the project is located. Except as is otherwise
55 provided by collective bargaining contracts or agreements, sponsors of
56 projects shall agree, where practicable, to first consider [persons

1 eligible to participate in federal job training partnership (P.L. No.
2 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLO-
3 CATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS
4 DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED
5 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES
6 who shall be referred by administrative entities of [service delivery
7 areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or
8 by the [community services division] DIVISION OF EMPLOYMENT SERVICES of
9 the department of labor for such new employment opportunities.

10 S 8. Subdivision 10 of section 3102-a of the public authorities law,
11 as added by chapter 291 of the laws of 1990, is amended to read as
12 follows:

13 10. For any positions opened as a result of a project conducted pursu-
14 ant to this section businesses so assisted shall PROVIDE NOTICE OF POSI-
15 TION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL first
16 consider [persons eligible to participate in federal job training part-
17 nership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME
18 INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITION-
19 AL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF
20 NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS
21 WITH DISABILITIES who shall be referred to the business by administra-
22 tive entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT
23 AREAS created pursuant to such act or by the [job service division]
24 DIVISION OF EMPLOYMENT SERVICES of the department of labor.

25 S 9. Subdivision 2 of section 858-b of the general municipal law, as
26 added by chapter 356 of the laws of 1993, is amended to read as follows:

27 2. Except as is otherwise provided by collective bargaining contracts
28 or agreements, new employment opportunities created as a result of
29 projects of the agency shall be listed with the New York state depart-
30 ment of labor [community services division] DIVISION OF EMPLOYMENT
31 SERVICES, and with the administrative entity of the [service delivery
32 area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job train-
33 ing partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L.
34 105-220) in which the project is located. Except as is otherwise
35 provided by collective bargaining contracts or agreements, sponsors of
36 projects shall agree, where practicable, to first consider [persons
37 eligible to participate in the federal job training partnership (P.L.
38 No. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS,
39 DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT,
40 AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED
41 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES
42 who shall be referred by administrative entities of [service delivery
43 areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or
44 by the [community services division] DIVISION OF EMPLOYMENT SERVICES of
45 the department of labor for such [such] new employment opportunities.

46 S 10. Section 9-b of section 1 of chapter 174 of the laws of 1968
47 constituting the New York state urban development corporation act, as
48 added by chapter 839 of the laws of 1987, is amended to read as follows:

49 S 9-b. For any positions opened as a result of assistance provided
50 pursuant to section nine-a of this act, industrial firms so assisted
51 shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVEST-
52 MENT BOARD AND SHALL first consider [persons eligible to participate in
53 federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED
54 INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS
55 TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORK-
56 FORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220),

VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the industrial firm by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.

S 11. Paragraph (g) of subdivision 2 of section 16-b of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, is amended to read as follows:

(g) require companies receiving assistance pursuant to this section [to first consider], for any new position opened as a result of assistance, [persons eligible to participate in federal job training partnership act programs (P.L. 97-3400) (29 U.S.C.A. SS 801 seq.)] TO PROVIDE NOTICE OF THE POSITION OPENING TO THE LOCAL WORKFORCE INVESTMENT BOARD AND TO FIRST CONSIDER UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the company by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.

S 12. Subdivision 9 of section 16-c of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, is amended to read as follows:

(9) Priorities. The corporation shall give priority to applications for assistance pursuant to this section in which the business seeking such assistance indicates a commitment to PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND TO first consider [persons eligible to participate in federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES WHO SHALL BE REFERRED TO THE BUSINESS BY ADMINISTRATIVE ENTITIES OF THE LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.

S 13. Subdivisions 18 and 19 of section 16-e of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, are amended to read as follows:

(18) Priority. In approving loans or grants authorized pursuant to the provisions of this section, the corporation shall give priority consideration to whether a project is located in an area of economic distress. Other factors to be considered by the corporation shall include:

(a) The number of jobs created or retained;

(b) The number of jobs created for [persons eligible for benefits under the provisions of the job training partnership act (P.L. 97-3400)(29 U.S.C.A. S 801 et seq.)] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES;

(c) The priority accorded the proposed project by the regional economic development council;

- 1 (d) The participation of minority- and women-owned businesses;
2 (e) The impact of the project on the employment and economic condition
3 of the community;
4 (f) The cost per job created or retained based on total project cost;
5 (g) The amount of private investment leveraged;
6 (h) The level of local public support; and
7 (i) The likelihood of accomplishing the project in a timely fashion.

8 In the event that the corporation does not follow the priorities of a
9 regional economic development council, it shall make a finding, in writ-
10 ing, as to why the council priority was not followed.

11 (19) Preference. For any positions opened as a result of business
12 development project loans, entities assisted shall PROVIDE NOTICE OF
13 POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL
14 first consider [persons eligible to participate in federal job training
15 partnership act programs (P.L. 97-3400) (29 U.S.C.A. S801 et. seq.)]
16 UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS,
17 INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE
18 FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L.
19 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES, who shall be
20 referred to the business by administrative entities of [service delivery
21 areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act by
22 the [job service division] DIVISION OF EMPLOYMENT SERVICES of the
23 department of labor.

24 S 14. Subdivision 3 of section 16-h of section 1 of chapter 174 of the
25 laws of 1968 constituting the New York state urban development corpo-
26 ration act, as amended by section 3-c of part A of chapter 58 of the
27 laws of 1998, is amended to read as follows:

28 3. Applications for assistance pursuant to this section shall be
29 reviewed and evaluated in consultation with local government officials
30 and regional economic development offices pursuant to eligibility
31 requirements and criteria set forth in rules and regulations promulgated
32 by the corporation. The corporation shall develop and use a standard
33 application project form. IN ADDITION TO SUCH OTHER CRITERIA AS THE
34 CORPORATION MAY ADOPT, THE CORPORATION SHALL GIVE PRIORITY TO APPLICA-
35 TIONS FOR ASSISTANCE IN WHICH THE BUSINESS INDICATES A COMMITMENT, FOR
36 NEW POSITIONS OPENED AS A RESULT OF ASSISTANCE PROVIDED UNDER THIS
37 SECTION, TO PROVIDE NOTICE OF SUCH POSITION OPENINGS TO THE LOCAL WORK-
38 FORCE INVESTMENT BOARD AND TO FIRST CONSIDER UNEMPLOYED INDIVIDUALS,
39 LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR
40 NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVEST-
41 MENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND
42 INDIVIDUALS WITH DISABILITIES WHO SHALL BE REFERRED TO THE BUSINESS BY
43 ADMINISTRATIVE ENTITIES OF LOCAL WORKFORCE INVESTMENT AREAS CREATED
44 PURSUANT TO SUCH ACT OR BY THE DIVISION OF EMPLOYMENT SERVICES OF THE
45 DEPARTMENT OF LABOR.

46 S 15. Section 16-m of section 1 of chapter 174 of the laws of 1968
47 constituting the New York state urban development corporation act is
48 amended by adding a new subdivision 2-a to read as follows:

49 2-A. FOR ANY POSITIONS OPENED AS A RESULT OF A PROJECT CONDUCTED
50 PURSUANT TO THIS SECTION BUSINESSES SO ASSISTED SHALL PROVIDE NOTICE OF
51 POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL
52 FIRST CONSIDER UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLO-
53 CATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS
54 DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED
55 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES
56 WHO SHALL BE REFERRED TO THE INDUSTRIAL FIRM BY ADMINISTRATIVE ENTITIES

1 OF LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY
2 THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.
3 S 16. This act shall take effect immediately; provided, however, that
4 the amendments to subdivision 8 of section 224 of the economic develop-
5 ment law made by section three of this act shall take effect on the same
6 date and in the same manner as section 3 of chapter 291 of the laws of
7 1990 takes effect; and provided, further, that the amendments to section
8 16-m of the New York state urban development corporation act made by
9 section fifteen of this act shall not affect the expiration of such
10 section and shall be deemed to expire therewith.