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

5554

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. V. LOPEZ, GANTT, CLARK, SWEENEY -- Multi-Sponsored by -- M. of A. HOYT, LENTOL -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing a youth employment program and to repeal articles 24 and 25 of such law relating thereto and making an appropriation therefor

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

Section 1. Articles 24 and 25 of the labor law, article 24 as added by chapter 64 of the laws of 1977, are REPEALED and a new article 25 is added to read as follows:

ARTICLE 25

YOUTH EMPLOYMENT PROGRAM

SECTION 856. LEGISLATIVE FINDINGS.
856-A. PLACEMENT OF YOUTHS.
856-B. ELIGIBILITY.
856-C. REIMBURSEMENT PERIOD AND EMPLOYER AUTHORITY.
856-D. DISPLACEMENT CLAUSE.
856-E. PARTICIPATING EMPLOYER SELECTION.
856-F. COOPERATION OF THE OFFICE OF CHILDREN AND FAMILY SERVICES AND DEPARTMENT OF EDUCATION.
856-G. ASSISTANCE OF VOLUNTARY AGENCIES.

S 856. LEGISLATIVE FINDINGS. RECENT UNEMPLOYMENT FIGURES, WHILE SHOWING SOME IMPROVEMENT IN THE NATION'S AND THE STATE'S UNEMPLOYMENT RATE, AT THE SAME TIME SHOW A STAGGERING LEVEL OF UNEMPLOYMENT AMONG YOUTHS AND PARTICULARLY FROM MINORITIES. THE STATE HAS A RESPONSIBILITY TO TRY TO DEAL WITH THIS PROBLEM. WHILE THE RESOURCES THAT ARE NEEDED TO DEAL WITH IT EFFECTIVELY ARE BEYOND THE STATE'S CAPABILITIES, THE STATE CAN COMMIT SOME RESOURCES PARTICULARLY IN A YEAR WHEN THERE MAY BE A BUDGET SURPLUS AND PROPOSALS FOR TAX CUTS TO REDUCE THE HIGH RATE OF UNEMPLOYMENT AMONG YOUTHS.

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

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THE FOLLOWING PROGRAM IS ESTABLISHED TO FUND A YOUTH ON-THE-JOB TRAINING PROGRAM. THIS PROGRAM CAN CUT UNEMPLOYMENT AMONG TEENAGERS AND YOUNG ADULTS AND SHOW THE WAY TO A MORE AMBITIOUS PROGRAM FOR WHICH FEDERAL FUNDS MIGHT BE SECURED. THE OUTLINE OF THE PROGRAM IS AS FOLLOWS:

1. TO PLACE YOUTHS BETWEEN THE AGES OF FOURTEEN THROUGH NINETEEN IN JOBS IN A COMMUNITY SETTING, SUCH AS NON-PROFIT AGENCIES, YOUTH CENTERS, SOCIAL SERVICES AGENCIES AND SENIOR CITIZEN CENTERS.

2. TO LOCATE SUCH JOBS AND ALLOW FOR AN ANNUAL MAXIMUM OF TEN THOUSAND ELIGIBLE HIGH SCHOOL STUDENTS TO WORK FOR TEN HOURS A WEEK AT A RATE OF FIVE DOLLARS AND FIFTY CENTS PER HOUR.

3. THE PROGRAM WILL BE ADMINISTERED THROUGH THE DEPARTMENT WHICH WILL CONTRACT WITH PRIVATE VOLUNTARY AGENCIES AND/OR LOCAL YOUTH BOARDS TO LOCATE JOBS AND PROVIDE SUPPORT SERVICES.

4. A REMEDIAL EDUCATION AND TRAINING PROGRAM WILL BE SET UP FOR PARTICIPATING YOUTHS.

5. FOURTEEN MILLION DOLLARS OF STATE FUNDS SHOULD BE APPROPRIATED TO FUND THE PROGRAM WHICH COULD PROVIDE UP TO TEN THOUSAND EMPLOYMENT OPPORTUNITIES.

6. PARTICIPATING EMPLOYERS SHALL NOT DISMISS A CURRENTLY EMPLOYED WORKER, NOR SHALL THE WORK TIME, WAGES OR BENEFITS OF ANY PERSON EMPLOYED BE REDUCED IN ORDER TO ACCOMMODATE A YOUTH TRAINEE.

THE LEGISLATURE FURTHER FINDS THAT THE HIGH UNEMPLOYMENT RATE AMONG YOUNG PEOPLE, AND PARTICULARLY AMONG MINORITIES, REQUIRES A CONCERTED AND SUBSTANTIAL GOVERNMENTAL EFFORT AIMED AT HELPING THIS AGE GROUP AND ESPECIALLY THOSE PERSONS WHO, BECAUSE OF LOCATION AND BACKGROUND, FIND IT PARTICULARLY DIFFICULT (IF NOT IMPOSSIBLE) TO LOCATE EMPLOYMENT.

THE USE OF FOURTEEN MILLION DOLLARS IN STATE FUNDS CAN PROVIDE A MEANINGFUL PROGRAM TO ATTACK UNEMPLOYMENT AMONG YOUTHS BY MAKING IT ECONOMICALLY FEASIBLE FOR PARTICIPATING EMPLOYERS TO HIRE AND TRAIN UNEMPLOYED, DISADVANTAGED YOUTHS.

THE YOUTH ON-THE-JOB TRAINING PROGRAM WILL NOT REQUIRE PARTICIPATING AGENCIES AND CENTERS TO RESTRUCTURE THEIR OPERATIONS BUT MERELY TO HIRE THE YOUTH AND AFFORD HIM OR HER THE OPPORTUNITY TO OBTAIN GAINFUL EMPLOYMENT AND TRAINING IN THE PARTICULAR SKILLS OF THE TRADE, THUS ENABLING THE YOUTH TO BECOME A VALUABLE ASSET TO THE COMPANY AND TO ENTER INTO AND REMAIN WITHIN THE MAINSTREAM OF EMPLOYMENT.

S 856-A. PLACEMENT OF YOUTHS. THE DEPARTMENT THROUGH THE YOUTH ON-THE-JOB TRAINING PROGRAM SHALL SEEK TO PLACE YOUTHS IN VARIOUS JOBS IN A COMMUNITY SETTING, SUCH AS NON-PROFIT AGENCIES, YOUTH CENTERS, SOCIAL SERVICES AGENCIES AND SENIOR CITIZEN CENTERS BY PROVIDING REIMBURSEMENT TO SUCH PARTICIPATING EMPLOYERS TO COMPENSATE THEM FOR THE ADDITIONAL EXPENSES AND LOST PRODUCTIVITY DIRECTLY ATTRIBUTABLE TO CARRYING OUT THE PURPOSES OF THE PROGRAM. SUCH FUNDS SHALL BE PAID TO THE PARTICIPATING EMPLOYER PURSUANT TO INDIVIDUAL CONTRACTS ENTERED INTO BETWEEN A PARTICIPATING EMPLOYER AND THE LOCAL COUNTY YOUTH OFFICES OR PRIVATE VOLUNTARY AGENCIES ACTING UNDER CONTRACT WITH THE DEPARTMENT.

ALL WAGES TO BE PAID TO THE YOUTH TRAINEES SHALL BE AT A RATE OF FIVE DOLLARS AND FIFTY CENTS PER HOUR FOR A MAXIMUM OF TEN HOURS A WEEK.

S 856-B. ELIGIBILITY. 1. TO BE ELIGIBLE TO PARTICIPATE IN A PROGRAM UNDER THIS ARTICLE A PERSON MUST BE:

A. BETWEEN THE AGES OF FOURTEEN AND NINETEEN YEARS;

B. FROM A FAMILY THE ANNUAL INCOME OF WHICH DOES NOT EXCEED NINE THOUSAND DOLLARS FOR A FAMILY OF THREE, OR ONE THOUSAND DOLLARS FOR EACH ADDITIONAL FAMILY MEMBER.

2. THE COMMISSIONER MAY, FOR GOOD CAUSE SHOWN, PROVIDE FOR THE WAIVER OF ANY OF THE ABOVE QUALIFICATIONS AND THE ESTABLISHMENT OF LOCAL VARI-

ATIONS IN FAMILY INCOME CRITERIA BY THE LOCAL CONTRACT AGENCY. SUCH WAIVER OR LOCAL VARIATION SHALL BE ISSUED IN WRITING AND SHALL SET OUT THE REASONS WHY THE WAIVER OR LOCAL VARIATION IS NECESSARY TO CARRY OUT THE SPECIFIC PROGRAM PURPOSES.

S 856-C. REIMBURSEMENT PERIOD AND EMPLOYER AUTHORITY. 1. ANY PARTICIPATING EMPLOYER SHALL BE REIMBURSED DIRECTLY PURSUANT TO THE TERMS OF HIS OR HER CONTRACT FOR A MAXIMUM PERIOD OF THIRTY WEEKS. ANY UNAUTHORIZED RESIGNATION BY A YOUTH FROM THE PROGRAM SHALL BE REVIEWED BY THE COMMISSIONER AND A DETERMINATION MADE AS TO WHETHER THE YOUTH SHOULD BE PERMITTED TO CONTINUE IN THE PROGRAM OR BE PERMANENTLY DROPPED.

2. AN EMPLOYER SHALL HAVE FULL AUTHORITY OVER HIS OR HER TRAINEE AND SHALL HAVE THE SAME AUTHORITY TO DISMISS A YOUTH TRAINEE AS HE OR SHE WOULD ANY OTHER EMPLOYEE. THE YOUTH TRAINEE SHALL HAVE THE PROTECTION OF THE SAME SAFEGUARDS AGAINST DISMISSAL AS ANY OTHER EMPLOYEE.

S 856-D. DISPLACEMENT CLAUSE. ALL CONTRACTS RELATIVE TO THE YOUTH ON-THE-JOB TRAINING PROGRAM SHALL EXPRESSLY STATE THAT THOSE EMPLOYERS PARTICIPATING IN THE PROGRAM SHALL NOT DISMISS A CURRENTLY EMPLOYED WORKER, NOR SHALL THE WORK TIME, WAGES OR BENEFITS OF ANY PERSONS EMPLOYED BE REDUCED IN ORDER TO ACCOMMODATE A YOUTH TRAINEE.

S 856-E. PARTICIPATING EMPLOYER SELECTION. 1. THE PROGRAM SHALL SEEK TO PLACE YOUNG PEOPLE IN THOSE AGENCIES AND CENTERS LOCATED IN OR NEAR THEIR RESIDENT TOWNS OR CITIES.

2. A PARTICIPATING EMPLOYER SHALL NOT BE BOUND UNDER THE PROGRAM TO PROVIDE THE YOUTH WITH WORK BEYOND THE REIMBURSEMENT PERIOD, PROVIDED, HOWEVER, THAT EMPLOYERS SHALL BE ENCOURAGED TO DO SO.

S 856-F. COOPERATION OF THE OFFICE OF CHILDREN AND FAMILY SERVICES AND DEPARTMENT OF EDUCATION. THE DEPARTMENT SHALL, TO WHATEVER EXTENT IT DEEMS ADVISABLE, COORDINATE THE INVOLVEMENT OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IN THE IMPLEMENTATION AND MONITORING, AND OF THE EDUCATION DEPARTMENT IN THE VOCATIONAL AND REMEDIAL EDUCATION ASPECTS OF THE PROGRAM.

S 856-G. ASSISTANCE OF VOLUNTARY AGENCIES. THE LOCAL VOLUNTARY AGENCIES WITH WHICH THE DEPARTMENT CONTRACTS SHALL PROVIDE NECESSARY TRAINING AND EDUCATIONAL FUNCTIONS. IN SELECTING THE PARTICULAR LOCAL VOLUNTARY INSTITUTIONS WITH WHICH TO CONTRACT, THE DEPARTMENT SHALL, WHEREVER POSSIBLE, CONTRACT ONLY WITH THOSE AGENCIES THAT ALREADY HAVE AN ESTABLISHED RECORD OF PROVIDING SATISFACTORY SERVICES. IF NO SUCH AGENCY EXISTS, THE DEPARTMENT MAY ESTABLISH SUCH SUPPORTING SYSTEM, EITHER ON ITS OWN INITIATIVE OR BY SUPPORTING AND ENCOURAGING THE CREATION OF NEW VOLUNTARY AGENCIES SPECIFICALLY FOR THAT PURPOSE.

S 2. The sum of fourteen million dollars ($14,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of labor from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for services and expenses of the department for the purposes of carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of labor, or his or her duly designated representative in the manner provided by law.

S 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.