

1287

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. MONTGOMERY, DIAZ, DUANE, HASSELL-THOMPSON, SAMPSON, SCHNEIDERMAN, SERRANO, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT establishing a demonstration program to facilitate employers' efforts in expanding the supply of quality child day care and in providing related benefits to their employees

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

1 Section 1. Legislative findings and intent. The legislature finds and
2 declares that the need for quality child day care has increased and that
3 the current supply of such day care does not meet the demand for it. The
4 legislature further finds and declares that children benefit from quality
5 ty child care.
6 It is the intent of the legislature to facilitate employer initiatives
7 in child day care and flexible benefits options in order to increase the
8 general supply of quality child day care and to provide working parents
9 with increased options in the care of their children.
10 S 2. The office of children and family services is hereby authorized,
11 within amounts available therefor by appropriation, to conduct a demon-
12 stration program with three existing child care resource and referral
13 agencies for the purpose of expanding the supply of quality child day
14 care by facilitating employers' support, sponsorship and initiative in
15 the areas of child day care and related benefits options for their
16 employees.
17 Each demonstration project shall provide for the hiring of an employer
18 resource specialist, who shall be a person knowledgeable about business
19 and whose provision of service during the duration of such program shall
20 be deemed to be a part of the employer child care resource and referral
21 program services function required of each such agency pursuant to
22 section 410-q of the social services law.

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

LBD05562-01-9

1 Such employer resource specialist shall do some or all of the follow-
2 ing:

3 (1) compile a resource file for use by employers seeking to identify
4 models and options used by other employers, in order to provide linkages
5 among employers;

6 (2) provide outreach and information to private employers regarding
7 the range of child day care and flexible benefits alternatives available
8 to them;

9 (3) act as liaison for the business community and state agencies
10 responsible for child day care regulation;

11 (4) provide employers with a resource specialist who understands the
12 capabilities of various businesses, child care policies and regulations,
13 and benefits options;

14 (5) provide technical assistance in the selection and development of a
15 particular child care option;

16 (6) inform employers of various child care options including, but not
17 limited to, the following:

18 (a) support of existing community and family day care providers;

19 (b) development of additional community child care slots;

20 (c) start-up and/or support of on-site or near-site centers;

21 (d) tax information;

22 (e) state and local laws and regulations and local zoning regulations;

23 (f) participation in consortia;

24 (g) flexible benefits and personnel policies;

25 (h) educational programs for parents;

26 (i) child day care reimbursement programs;

27 (j) school-age child day care;

28 (7) organize conferences or similar activities to educate employers;
29 and

30 (8) engage in any other activity that will enhance the intent of this
31 act.

32 Such employer resource specialist shall utilize the available
33 resources of the child care resource and referral agency by which he or
34 she is employed.

35 S 3. The commissioner of the office of children and family services
36 shall award three contracts to agencies administering child care
37 resource and referral programs.

38 (1) Such commissioner shall publicize the availability of funds pursu-
39 ant to this act and shall solicit and evaluate applications prior to
40 selecting agencies to operate programs funded herein. Such commissioner
41 shall:

42 (a) provide, or arrange for the provision of, technical assistance to
43 any agency requesting assistance in the completion of such application;
44 and

45 (b) approve or disapprove applications within 45 days of the receipt
46 of the initial or modified applications.

47 (2) In reviewing the applications and determining the amount of each
48 contract, such commissioner shall consider:

49 (a) the availability and the accessibility of child care services in
50 the region to be served by the applicant;

51 (b) the availability of resources from other than state sources to the
52 applicant; and

53 (c) the ability of the applicant to:

54 (i) provide information and technical assistance to private employers
55 regarding child day care and flexible benefits options;

56 (ii) establish relationships with business representatives;

1 (iii) expand resource file to include employer-supported child care
2 endeavors;

3 (iv) provide linkages between employers; and

4 (v) provide full recognition of confidentiality rights of parents and
5 guardians.

6 S 4. The commissioner of the office of children and family services
7 shall provide technical assistance to agencies receiving contracts
8 pursuant to this act, shall assist in implementation of services and
9 shall monitor the performance of agencies receiving contracts pursuant
10 to this act to assure that the terms of the contract are met, that
11 services are provided in accordance with the intent of this act and that
12 funds are used as required herein.

13 Such commissioner shall assist agencies awarded contracts to actively
14 involve employers, private businesses, community organizations and other
15 interested individuals and organizations in the planning, development,
16 support and utilization of child care resource and referral services in
17 the areas served by such agencies.

18 The office of children and family services shall require that a writ-
19 ten annual evaluation report be made of each demonstration program, with
20 copies of such report to be provided to the governor and the legisla-
21 ture. Such report shall summarize, based upon monitoring of such
22 program, the following aspects of such program:

23 (1) the characteristics and numbers of employers who received
24 services;

25 (2) the characteristics of the options which such employers select;

26 (3) the effect that the program has on increasing the availability and
27 accessibility of child care services and improving their quality;

28 (4) the nature of services provided by the program;

29 (5) the impact of child day care options developed or stimulated by
30 employers so as to determine whether such program creates a separate
31 system of child care for parents who are working and/or a differential
32 system for employees; and

33 (6) the cost to the state to administer the program.

34 S 5. This act shall take effect on the first of April next succeeding
35 the date on which it shall have become a law, provided, however that the
36 commissioner of the office of children and family services shall promul-
37 gate rules and regulations necessary to implement the provisions of this
38 act prior to such effective date.