

2182

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing the "minimum standards for subsidized jobs act"

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

1 Section 1. Short title. This act shall be known as the "minimum stand-  
2 ards for subsidized jobs act".  
3 S 2. Legislative findings and purpose. The legislature hereby finds  
4 and declares that:  
5 (a) Every year, New York state awards money in economic development  
6 subsidies to for-profit businesses.  
7 (b) When government invests in economic development, it makes no  
8 economic sense to support the creation or promotion of jobs that do not  
9 give workers the chance to earn a decent living.  
10 (c) When state-subsidized jobs provide low wages and poor benefits,  
11 they increase the need for government services, including public assist-  
12 ance for food, housing, health care, and child care.  
13 The purpose of this act is to improve the effectiveness of economic  
14 development expenditures, take pressure off state social services  
15 programs, and improve the public health and welfare by ensuring that  
16 major state subsidies are used to support at least minimum living stand-  
17 ards for working families.  
18 S 3. The labor law is amended by adding a new article 19-C to read as  
19 follows:

20 ARTICLE 19-C

21 MINIMUM STANDARDS FOR SUBSIDIZED JOBS ACT

22 SECTION 695. DEFINITION.

23 696. MINIMUM STANDARDS FOR WAGES AND BENEFITS.

24 697. ENFORCEMENT.

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

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1 S 695. DEFINITION. FOR PURPOSES OF THIS ARTICLE, "ECONOMIC DEVELOPMENT  
2 SUBSIDY" MEANS ANY EXPENDITURE OF PUBLIC FUNDS WITH A VALUE OF AT LEAST  
3 ONE HUNDRED THOUSAND DOLLARS FOR THE PURPOSE OF STIMULATING ECONOMIC  
4 DEVELOPMENT WITHIN THE STATE, INCLUDING BUT NOT LIMITED TO BONDS,  
5 GRANTS, LOANS, LOAN GUARANTEES, ENTERPRISE ZONES, EMPOWERMENT ZONES, TAX  
6 INCREMENT FINANCING, FEE WAIVERS, LAND PRICE SUBSIDIES, MATCHING FUNDS,  
7 TAX ABATEMENTS, TAX EXEMPTIONS AND TAX CREDITS.

8 S 696. MINIMUM STANDARDS FOR WAGES AND BENEFITS. 1. NO PERSON, ASSOCI-  
9 ATION, LIMITED LIABILITY COMPANY, CORPORATION OR OTHER ENTITY SHALL BE  
10 ELIGIBLE TO RECEIVE ANY ECONOMIC DEVELOPMENT SUBSIDY UNLESS IT:

11 (A) PAYS ALL ITS EMPLOYEES IN THE STATE A MINIMUM WAGE THAT IS AT  
12 LEAST ONE DOLLAR PER HOUR HIGHER THAN THE STATE'S MINIMUM WAGE AS  
13 PROVIDED BY THIS CHAPTER.

14 (B) OFFERS TO ALL ITS EMPLOYEES IN THE STATE, WHO WORK AT LEAST THIR-  
15 TY-FIVE HOURS PER WEEK, A HEALTH INSURANCE BENEFITS PLAN FOR WHICH THE  
16 EMPLOYER PAYS AT LEAST EIGHTY PERCENT OF THE MONTHLY PREMIUM, AND THE  
17 COVERAGE PAYS AT LEAST EIGHTY PERCENT OF THE COSTS OF PHYSICIAN OFFICE  
18 VISITS, EMERGENCY CARE, SURGERY AND PRESCRIPTIONS, WITH AN ANNUAL DEDUC-  
19 TIBLE OF NO MORE THAN FIVE HUNDRED DOLLARS.

20 (C) OFFERS TO AT LEAST TWENTY PERCENT OF ITS WORKERS IN THE STATE A  
21 WORKER TRAINING PROGRAM THAT MEETS MINIMUM STANDARDS ISSUED BY THE  
22 COMMISSIONER.

23 (D) HAS NOT BEEN ADJUDICATED TO BE IN VIOLATION OF ANY FEDERAL, STATE  
24 OR LOCAL LAWS FOR AT LEAST THE PRIOR FIVE YEARS.

25 2. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO:

26 (A) A NOT-FOR-PROFIT ENTITY THAT IS EXEMPT FROM TAXATION UNDER THIS  
27 PURSUANT TO STATE OR FEDERAL LAW.

28 (B) AN INTERN OR TRAINEE WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO  
29 IS EMPLOYED FOR A PERIOD OF NOT LONGER THAN THREE MONTHS.

30 3. IF THE COMMISSIONER DETERMINES THAT APPLICATION OF THIS ARTICLE  
31 WOULD CONFLICT WITH A FEDERAL PROGRAM REQUIREMENT, THE COMMISSIONER,  
32 AFTER NOTICE AND PUBLIC HEARING, MAY GRANT A WAIVER FROM THE REQUIRE-  
33 MENTS OF THIS ARTICLE.

34 S 697. ENFORCEMENT. 1. THE COMMISSIONER SHALL PROMULGATE SUCH REGU-  
35 LATIONS AS ARE NECESSARY TO IMPLEMENT AND ADMINISTER COMPLIANCE WITH THE  
36 PROVISIONS OF THIS ARTICLE.

37 2. NO PERSON, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION OR  
38 OTHER ENTITY SHALL DISCHARGE, DEMOTE, HARASS OR OTHERWISE TAKE ADVERSE  
39 ACTIONS AGAINST ANY INDIVIDUAL BECAUSE SUCH INDIVIDUAL SEEKS THE  
40 ENFORCEMENT OF THIS ARTICLE, OR TESTIFIES, ASSISTS OR PARTICIPATES IN  
41 ANY MANNER IN AN INVESTIGATION, HEARING OR OTHER PROCEEDING TO ENFORCE  
42 THIS ARTICLE.

43 3. NO ENTITY SHALL PAY AN EMPLOYEE THROUGH A THIRD PARTY OR TREAT AN  
44 EMPLOYEE AS A SUBCONTRACTOR OR INDEPENDENT CONTRACTOR TO AVOID THE  
45 REQUIREMENTS OF THIS ARTICLE.

46 S 4. This act shall take effect July 1, 2009 and shall apply to any  
47 economic development subsidy awarded or renewed on or after October 1,  
48 2009.