

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

2586--A

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 -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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
25 PURSUANT TO SECTION FOUR HUNDRED THREE OF THIS ARTICLE. SUCH DIRECTOR,

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

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1 IN CONSULTATION WITH THE COMMISSIONER OF LABOR, SHALL PROMULGATE RULES
2 AND REGULATIONS ESTABLISHING REQUIREMENTS AND STANDARDS FOR SUCH
3 PROGRAMS. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED
4 TO:

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

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

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

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

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

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

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