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I N S E N A T E

April 28, 2010

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed to the Committee on Energy and Telecommu-
nications

AN ACT to amend the economic development law, the public authorities
law, the general municipal law and the New York state urban develop-
ment 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 ASSEM-
BLY, 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
17 economic development by creating or preserving jobs. For the purposes of
18 this section, "applicant" shall mean an educational agency, business, or
19 industry group or association, an employee union or organizations, a
20 community based organization, grant recipient or administrative entity
21 of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA and

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

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[private industry council] LOCAL WORKFORCE INVESTMENT BOARD as defined by the federal [job training partnership act (P.L. 97-300)] WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), provided that such groups have demonstrated effectiveness in the delivery of training services. Any assistance provided shall be matched at least equally by financing or contribution from other sources. Such skills training services shall include:

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

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

5. For any positions opened as a result of assistance provided under this section businesses so assisted shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL 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 [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 3. Subdivision 8 of section 224 of the economic development law, as added by chapter 291 of the laws of 1990, is amended to read as follows:

8. Job listings. For any positions opened as a result of assistance provided under this section businesses so assisted shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL 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 [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 4. Subparagraph 9 of paragraph (a) of subdivision 13 of section 1005 of the public authorities law, as amended by chapter 645 of the laws of 2006, is amended to read as follows:

(9) the extent of the business' willingness to make jobs available to [persons defined as eligible for services under the federal job training partnership act of nineteen hundred eighty-two] 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 and the extent of the business' willingness to satisfy affirmative action goals;

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

13-d. To require that any new employment opportunities created in connection with industrial or commercial projects financed through loans or loan guarantees from the authority shall be listed with the New York state department of labor [job service division] DIVISION OF EMPLOYMENT SERVICES and with the administrative entity of the [service delivery

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

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

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

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

42 2. Except as is otherwise provided by collective bargaining contracts
43 or agreements, new employment opportunities created as a result of
44 projects of the agency shall be listed with the New York state depart-
45 ment of labor [community services division] DIVISION OF EMPLOYMENT
46 SERVICES, and with the administrative entity of the [service delivery
47 area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job train-
48 ing partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L.
49 105-220) in which the project is located. Except as is otherwise
50 provided by collective bargaining contracts or agreements, sponsors of
51 projects shall agree, where practicable, to first consider [persons
52 eligible to participate in federal job training partnership (P.L. No.
53 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLO-
54 CATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS
55 DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED
56 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES

1 who shall be referred by administrative entities of [service delivery
2 areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or
3 by the [community services division] DIVISION OF EMPLOYMENT SERVICES of
4 the department of labor for such new employment opportunities.

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

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

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

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

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

44 S 9-b. For any positions opened as a result of assistance provided
45 pursuant to section nine-a of this act, industrial firms so assisted
46 shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVEST-
47 MENT BOARD AND SHALL first consider [persons eligible to participate in
48 federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED
49 INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS
50 TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORK-
51 FORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220),
52 VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the
53 industrial firm by administrative entities of [service delivery areas]
54 LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the
55 [job service division] DIVISION OF EMPLOYMENT SERVICES of the department
56 of labor.

1 S 11. Paragraph (g) of subdivision 2 of section 16-b of section 1 of
2 chapter 174 of the laws of 1968 constituting the New York state urban
3 development corporation act, as added by chapter 169 of the laws of
4 1994, is amended to read as follows:

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

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

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

34 S 13. Subdivisions 18 and 19 of section 16-e of section 1 of chapter
35 174 of the laws of 1968 constituting the New York state urban develop-
36 ment corporation act, as added by chapter 169 of the laws of 1994, are
37 amended to read as follows:

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

42 (a) The number of jobs created or retained;

43 (b) The number of jobs created for [persons eligible for benefits
44 under the provisions of the job training partnership act (P.L.
45 97-3400)(29 U.S.C.A. S 801 et seq.)] UNEMPLOYED INDIVIDUALS, LOW-INCOME
46 INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITION-
47 AL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF
48 NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS
49 WITH DISABILITIES;

50 (c) The priority accorded the proposed project by the regional econom-
51 ic development council;

52 (d) The participation of minority- and women-owned businesses;

53 (e) The impact of the project on the employment and economic condition
54 of the community;

55 (f) The cost per job created or retained based on total project cost;

56 (g) The amount of private investment leveraged;

1 (h) The level of local public support; and

2 (i) The likelihood of accomplishing the project in a timely fashion.

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

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

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

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

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

44 2-A. FOR ANY POSITIONS OPENED AS A RESULT OF A PROJECT CONDUCTED
45 PURSUANT TO THIS SECTION BUSINESSES SO ASSISTED SHALL PROVIDE NOTICE OF
46 POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL
47 FIRST CONSIDER UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLO-
48 CATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS
49 DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED
50 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES
51 WHO SHALL BE REFERRED TO THE INDUSTRIAL FIRM BY ADMINISTRATIVE ENTITIES
52 OF LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY
53 THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.

54 S 16. This act shall take effect immediately; provided, however, that
55 the amendments to subdivision 8 of section 224 of the economic develop-
56 ment law made by section three of this act shall take effect on the same

1 date and in the same manner as section 3 of chapter 291 of the laws of
2 1990 takes effect; and provided, further, that the amendments to section
3 16-m of the New York state urban development corporation act made by
4 section fifteen of this act shall not affect the expiration of such
5 section and shall be deemed to expire therewith.