

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the economic development law, the public authorities law, the general municipal law and the New York state urban development 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 ASSEMBLY, 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

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

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1 this section, "applicant" shall mean an educational agency, business, or  
2 industry group or association, an employee union or organizations, a  
3 community based organization, grant recipient or administrative entity  
4 of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA and  
5 [private industry council] LOCAL WORKFORCE INVESTMENT BOARD as defined  
6 by the federal [job training partnership act (P.L. 97-300)] WORKFORCE  
7 INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), provided  
8 that such groups have demonstrated effectiveness in the delivery of  
9 training services. Any assistance provided shall be matched at least  
10 equally by financing or contribution from other sources. Such skills  
11 training services shall include:

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

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

16 5. For any positions opened as a result of assistance provided under  
17 this section businesses so assisted shall PROVIDE NOTICE OF POSITION  
18 OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL first consid-  
19 er [persons eligible to participate in federal job training partnership  
20 act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVID-  
21 UALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL  
22 EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINE-  
23 TEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH  
24 DISABILITIES who shall be referred to the business by administrative  
25 entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS  
26 created pursuant to such act or by the [job service division] DIVISION  
27 OF EMPLOYMENT SERVICES of the department of labor.

28 S 3. Subdivision 8 of section 224 of the economic development law, as  
29 added by chapter 291 of the laws of 1990, is amended to read as follows:

30 8. Job listings. For any positions opened as a result of assistance  
31 provided under this section businesses so assisted shall PROVIDE NOTICE  
32 OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL  
33 first consider [persons eligible to participate in federal job training  
34 partnership act (P.L. 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-IN-  
35 COME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRAD-  
36 ITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT  
37 OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVID-  
38 UALS WITH DISABILITIES who shall be referred to the business by adminis-  
39 trative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT  
40 AREAS created pursuant to such act or by the [job service division]  
41 DIVISION OF EMPLOYMENT SERVICES of the department of labor.

42 S 4. Subparagraph 9 of paragraph (a) of subdivision 13 of section 1005  
43 of the public authorities law, as amended by chapter 645 of the laws of  
44 2006, is amended to read as follows:

45 (9) the extent of the business' willingness to make jobs available to  
46 [persons defined as eligible for services under the federal job training  
47 partnership act of nineteen hundred eighty-two] UNEMPLOYED INDIVIDUALS,  
48 LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS TRAINING FOR  
49 NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORKFORCE INVEST-  
50 MENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220), VETERANS, AND  
51 INDIVIDUALS WITH DISABILITIES and the extent of the business' willing-  
52 ness to satisfy affirmative action goals;

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

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

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

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

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

47 2. Except as is otherwise provided by collective bargaining contracts  
48 or agreements, new employment opportunities created as a result of  
49 projects of the agency shall be listed with the New York state depart-  
50 ment of labor [community services division] DIVISION OF EMPLOYMENT  
51 SERVICES, and with the administrative entity of the [service delivery  
52 area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job train-  
53 ing partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L.  
54 105-220) in which the project is located. Except as is otherwise  
55 provided by collective bargaining contracts or agreements, sponsors of  
56 projects shall agree, where practicable, to first consider [persons

1 eligible to participate in federal job training partnership (P.L. No.  
2 97-300) programs] UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLO-  
3 CATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS  
4 DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED  
5 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES  
6 who shall be referred by administrative entities of [service delivery  
7 areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or  
8 by the [community services division] DIVISION OF EMPLOYMENT SERVICES of  
9 the department of labor for such new employment opportunities.

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

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

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

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

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

49 S 9-b. For any positions opened as a result of assistance provided  
50 pursuant to section nine-a of this act, industrial firms so assisted  
51 shall PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVEST-  
52 MENT BOARD AND SHALL first consider [persons eligible to participate in  
53 federal job training partnership act (P.L. 97-300) programs] UNEMPLOYED  
54 INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLOCATED WORKERS, INDIVIDUALS  
55 TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS DEFINED IN THE FEDERAL WORK-  
56 FORCE INVESTMENT ACT OF NINETEEN HUNDRED NINETY-EIGHT (P.L. 105-220),

VETERANS, AND INDIVIDUALS WITH DISABILITIES who shall be referred to the industrial firm 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 11. Paragraph (g) of subdivision 2 of section 16-b of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, is amended to read as follows:

(g) require companies receiving assistance pursuant to this section [to first consider], for any new position opened as a result of assistance, [persons eligible to participate in federal job training partnership act programs (P.L. 97-3400) (29 U.S.C.A. SS 801 seq.)] TO PROVIDE NOTICE OF THE POSITION OPENING TO THE LOCAL WORKFORCE INVESTMENT BOARD AND TO FIRST CONSIDER 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 company by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act by the [job service division] DIVISION OF EMPLOYMENT SERVICES of the department of labor.

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

(9) Priorities. The corporation shall give priority to applications for assistance pursuant to this section in which the business seeking such assistance indicates a commitment to PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND TO 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 THE LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.

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

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

(a) The number of jobs created or retained;

(b) The number of jobs created for [persons eligible for benefits under the provisions of the job training partnership act (P.L. 97-3400)(29 U.S.C.A. S 801 et seq.)] 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;

(c) The priority accorded the proposed project by the regional economic development council;

- 1 (d) The participation of minority- and women-owned businesses;  
2 (e) The impact of the project on the employment and economic condition  
3 of the community;  
4 (f) The cost per job created or retained based on total project cost;  
5 (g) The amount of private investment leveraged;  
6 (h) The level of local public support; and  
7 (i) The likelihood of accomplishing the project in a timely fashion.

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

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

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

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

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

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

1 OF LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY  
2 THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.  
3 S 16. This act shall take effect immediately; provided, however, that  
4 the amendments to subdivision 8 of section 224 of the economic develop-  
5 ment law made by section three of this act shall take effect on the same  
6 date and in the same manner as section 3 of chapter 291 of the laws of  
7 1990 takes effect; and provided, further, that the amendments to section  
8 16-m of the New York state urban development corporation act made by  
9 section fifteen of this act shall not affect the expiration of such  
10 section and shall be deemed to expire therewith.