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

5355

2011-2012 Regular Sessions

I N S E N A T E

May 11, 2011

Introduced by Sen. KENNEDY -- 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 subcommittee on green jobs workforce to conduct labor market data analysis, to provide job training and education programs, and to provide a local green jobs corps

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

Section 1. The labor law is amended by adding a new section 854 to read as follows:

S 854. GREEN JOBS WORKFORCE SUBCOMMITTEE. 1. CREATION AND CONSTITUTION. (A) THE GREEN JOBS SUBCOMMITTEE (THE "SUBCOMMITTEE") IS HEREBY ESTABLISHED BY THE STATE WORKFORCE INVESTMENT BOARD CONSISTING OF MEMBERS OF THE STATE WORKFORCE INVESTMENT BOARD TO COORDINATE THE STATE'S EFFORTS TO DEVELOP AND TRAIN A WORKFORCE IN THE GREEN ECONOMY.

(B) THE SUBCOMMITTEE SHALL WORK WITH THE FOLLOWING PUBLIC AND PRIVATE STAKEHOLDERS IN DEVELOPING AND CARRYING OUT ITS TASKS UNDER THIS SECTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: THE DEPARTMENT OF LABOR; THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA); THE WORKFORCE DEVELOPMENT INSTITUTE; THE DEPARTMENT OF EDUCATION; THE PUBLIC SERVICE COMMISSION; THE EMPIRE STATE DEVELOPMENT CORPORATION; DOWNSTATE EMPIRE STATE DEVELOPMENT CORPORATION; UPSTATE EMPIRE STATE DEVELOPMENT CORPORATION; THE DEPARTMENT OF CORRECTIONAL SERVICES; THE OFFICE OF CHILDREN AND FAMILY SERVICES' NATIVE AMERICAN SERVICES; THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; THE DEPARTMENT OF AGRICULTURE AND MARKETS; THE DEPARTMENT OF TRANSPORTATION; THE DEPARTMENT OF HOUSING; THE NEW YORK POWER AUTHORITY; THE OFFICE OF GENERAL SERVICES; THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; THE ENVIRONMENTAL FACILITIES CORPORATION; NEW YORK POWER AUTHORITY; NEW YORK STATE DEPARTMENT OF PUBLIC SERVICES; NEW YORK STATE FARM BUREAU; REPRESENTATIVES FROM THE ENVIRONMENTAL JUSTICE COMMUNITY; REPRESENTATIVES FROM LABOR

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

LBD00301-01-1

ORGANIZATIONS; REPRESENTATIVES FROM ORGANIZATIONS WHOSE PRIMARY MISSION IS COMMITTED TO JOB TRAINING ACTIVITIES; REPRESENTATIVES FROM K-12 EDUCATIONAL INSTITUTIONS, SECONDARY EDUCATIONAL INSTITUTIONS, TRADE SCHOOLS, AND THE NEW YORK STATE AND REGIONAL BOARDS OF COOPERATIVE EDUCATION SERVICES ("BOCES"); REPRESENTATIVES FROM THE PRIVATE SECTOR, SMALL BUSINESS, INDUSTRIES AND TRADE ASSOCIATIONS; THE NEW YORK CHAPTER OF THE UNITED STATES GREEN BUILDING COUNCIL; NON-PROFIT, NON-GOVERNMENTAL AND COMMUNITY-BASED ORGANIZATIONS WHICH FOCUS ON LABOR, ENVIRONMENTAL ISSUES, ENERGY EFFICIENCY, RENEWABLE ENERGY, CLEAN TECHNOLOGIES, AND ALTERNATIVE FUELS; NATIVE AMERICAN TRIBES; ORGANIZATIONS DEALING WITH ADULTS AND YOUTH WITH SPECIAL NEEDS, AND PHYSICAL AND LEARNING DISABILITIES; LOCAL GOVERNMENTS AND MUNICIPALITIES; WORKER INVESTMENT AGENCY ONE-STOP CAREER CENTERS; AND LOCAL VETERANS AGENCIES AND VETERANS SERVICE ORGANIZATIONS.

(C) THE SUBCOMMITTEE MAY EMPLOY AND REMOVE SUCH PERSONNEL AS IT MAY DEEM NECESSARY FOR THE PERFORMANCE OF ITS FUNCTIONS. TO CARRY OUT THE TASKS UNDER THIS SECTION, THE SUBCOMMITTEE SHALL ASSIGN SUFFICIENT STAFF.

2. LABOR MARKET/INDUSTRY DATA ANALYSIS. (A) THE SUBCOMMITTEE SHALL BE RESPONSIBLE FOR COLLECTING, DEVELOPING AND ANALYZING STATEWIDE AND REGIONAL LABOR MARKET AND INDUSTRY DATA.

(B) IN CARRYING OUT ITS DUTIES UNDER THIS SUBDIVISION, THE SUBCOMMITTEE SHALL CONSULT WITH ALL RELEVANT PUBLIC AND PRIVATE STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, THOSE LISTED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION.

(C) THE SUBCOMMITTEE SHALL PROVIDE A PERIODIC ANALYSIS WHICH INCLUDES INDUSTRY AND WORKFORCE DATA, AND IDENTIFIES EXISTING AND EMERGING BUSINESSES IN THE GREEN ECONOMY AND WORKFORCE SKILLS NEEDED TO MATCH EXISTING AND/OR GROWING DEMAND. THE SUBCOMMITTEE SHALL PROVIDE THIS INFORMATION IN AN ANNUAL REPORT AS PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION.

(D) FOR PURPOSES OF COLLECTING INDUSTRY DATA, THE SUBCOMMITTEE SHALL FOCUS ON THE FOLLOWING SECTORS, WHICH INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

(I) ENERGY-EFFICIENT BUILDING, CONSTRUCTION AND RETROFIT INDUSTRIES AND OTHER INDUSTRIES WITH AN EXPERTISE IN GREEN BUILDING TECHNIQUES;

(II) ENERGY-EFFICIENCY ASSESSMENT INDUSTRIES SERVING THE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SECTORS;

(III) RENEWABLE ELECTRIC POWER INDUSTRIES;

(IV) BIOFUELS INDUSTRIES;

(V) DECONSTRUCTION, MATERIALS REUSE AND RECYCLING INDUSTRIES;

(VI) BROWNFIELD REMEDIATION;

(VII) COMPONENT MANUFACTURERS THAT MAKE PARTS FOR RENEWABLE ENERGY, BIOFUELS, OR ENERGY EFFICIENT SYSTEMS; MANUFACTURERS THAT PRODUCE SUSTAINABLE PRODUCTS USING ENVIRONMENTALLY SUSTAINABLE PROCESSES AND MATERIALS;

(VIII) PUBLIC TRANSPORTATION (OPERATIONS AND MAINTENANCE); AND

(IX) "INDUSTRIES-IN-TRANSITION" COVERING SECTORS THAT ARE ADOPTING CLEANER TECHNOLOGIES AND PROCESSES.

(E) THE SUBCOMMITTEE'S ANALYSIS SHALL IDENTIFY JOB OPPORTUNITIES IN THE GREEN ECONOMY AND DETERMINE THE POTENTIAL FOR EACH INDUSTRY SECTOR TO CREATE NEW JOBS IN NEW YORK STATE, TAKING INTO ACCOUNT THE AVAILABILITY OF EXISTING HOUSING AND PUBLIC TRANSPORTATION NEAR THESE JOB SITES.

(F) WITH RESPECT TO WORKFORCE DATA, THE SUBCOMMITTEE'S ANALYSIS SHALL CONDUCT AN INVENTORY OF EXISTING:

(I) JOB TRAINING PROGRAMS RELATED TO CLEAN TECHNOLOGY, RENEWABLE ENERGY, AND ENERGY EFFICIENCY TECHNOLOGIES;

(II) EDUCATIONAL PROGRAMS RELATED TO CLEAN TECHNOLOGY, RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGIES AT PUBLIC AND PRIVATE COLLEGES AND UNIVERSITIES AND KINDERGARTEN THROUGH TWELFTH GRADE INSTITUTIONS THROUGHOUT THE STATE; AND

(III) REFERRAL, CAREER COUNSELING AND CASE MANAGEMENT SERVICES WHICH LINK JOB SEEKERS TO JOB OPENINGS AND TRAINING PROGRAMS RELATED TO CLEAN TECHNOLOGY, RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(G) THE SUBCOMMITTEE'S ANALYSIS SHALL:

(I) DETERMINE THE EXTENT TO WHICH EXISTING TRAINING AND EDUCATIONAL PROGRAMS PREPARE THE WORKFORCE FOR THE NEEDS OF THE CLEAN TECH INDUSTRY; IN SO DOING, THE SUBCOMMITTEE SHALL IDENTIFY GAPS IN RELEVANT SKILLS AND COMPETENCIES TO BETTER MATCH INDUSTRY DEMAND AND DEFINE TYPES OF TRAINING AND EDUCATIONAL PROGRAMS NECESSARY TO FILL THOSE GAPS;

(II) ADDRESS THE CURRENT BARRIERS AND OPPORTUNITIES FOR THE PARTICIPATION OF TARGETED POPULATIONS DEFINED IN SUBPARAGRAPH (III) OF PARAGRAPH (D) OF SUBDIVISION THREE OF THIS SECTION; AND

(III) INCLUDE RECOMMENDATIONS FOR ACTION TO PROMOTE JOB TRAINING AND EDUCATION PROGRAMS.

3. JOB TRAINING PROGRAMS. (A) BASED ON THE RESULTS OF THE LABOR MARKET/INDUSTRY DATA ANALYSIS IN SUBDIVISION TWO OF THIS SECTION, THE SUBCOMMITTEE SHALL DEVELOP STRATEGIES FOR JOB TRAINING PROGRAMS THAT MATCH THE NEEDS OF THE STATE'S GROWING GREEN ECONOMY.

(B) IN CARRYING OUT ITS DUTIES UNDER THIS SUBDIVISION, THE SUBCOMMITTEE SHALL WORK WITH ALL RELEVANT PUBLIC AND PRIVATE STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, THOSE LISTED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION.

(C) THE SUBCOMMITTEE SHALL EXPAND ON EXISTING JOB TRAINING PROGRAMS, SUCH AS NYSERDA PROGRAMS FOR INSTALLER CERTIFICATION REGARDING MAINTENANCE AND OPERATION OF LARGE-SCALE RENEWABLES AND ADDITIONAL SMALL SCALE RENEWABLE TECHNOLOGIES SUCH AS WIND, SOLAR THERMAL, BIOMASS AND ANAEROBIC DIGESTION SYSTEMS.

(D) THE SUBCOMMITTEE SHALL DEVELOP NEW PROGRAMS NEEDED TO FILL RELEVANT SKILLS GAPS. IN DEVELOPING THESE PROGRAMS, THE FOLLOWING CRITERIA MUST BE MET:

(I) INVOLVING EMPLOYERS AND LABOR ORGANIZATIONS IN DETERMINING RELEVANT SKILLS AND COMPETENCIES, AS WELL AS ENSURING THAT THE CERTIFICATES OR CREDENTIALS RESULTING FROM THE TRAINING PROGRAMS ARE EMPLOYER-RECOGNIZED;

(II) COORDINATING JOB TRAINING PROGRAMS WITH EXISTING WORKFORCE AND ECONOMIC DEVELOPMENT STRATEGIES, SUCH AS LABOR MANAGEMENT TRAINING PROGRAMS, UNION AND NON-UNION APPRENTICESHIP PROGRAMS, TO RETOOL WORKERS IN DECLINING INDUSTRIES; AND

(III) GIVING PRIORITY AND PROVIDING AN ENTRY-POINT TO TARGETED POPULATIONS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(A) INDIVIDUALS SEEKING PATHWAYS OUT OF POVERTY AND INTO ECONOMIC SELF-SUFFICIENCY SUCH AS AT-RISK YOUTH, HIGH SCHOOL DROPOUTS, LOW-INCOME WORKERS, UNEMPLOYED YOUTH AND ADULTS OR OTHER UNDERSERVED SECTORS OF THE WORKFORCE IN AREAS OF HIGH POVERTY;

(B) VETERANS OR PAST AND PRESENT MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES;

(C) NATIVE AMERICANS;

(D) PEOPLE WITH PHYSICAL AND/OR LEARNING DISABILITIES;

(E) FORMERLY INCARCERATED, ADJUDICATED, NON-VIOLENT OFFENDERS;

(F) WORKERS AFFECTED BY DECLINING INDUSTRIES AND NATIONAL AND STATE ENERGY AND ENVIRONMENTAL POLICIES; AND

(G) DISABLED VETERAN BUSINESS ENTERPRISES, MINORITY-OWNED AND WOMEN-OWNED BUSINESSES;

(IV) REQUIRING THAT PROGRAMS BE OFFERED AT ALTERNATIVE TIMES, INCLUDING EVENING AND WEEKEND PROGRAMS, AND BE LOCATED IN CONVENIENT AND ACCESSIBLE LOCATIONS FOR PARTICIPANTS, PARTICULARLY THE TARGETED POPULATIONS SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH;

(V) LINKING TRAINEES TO RELEVANT EMPLOYERS AND JOB OPPORTUNITIES; AND

(VI) TO THE MAXIMUM EXTENT FEASIBLE, LEVERAGING A MIX OF PUBLIC AND PRIVATE FUNDING, INCLUDING CASH OR IN-KIND MATCHES FROM PARTICIPATING EMPLOYERS WITH THE GOAL THAT TRAINING IS PARTIALLY OR FULLY SUBSIDIZED AND THAT ALL APPRENTICES RECEIVE A WAGE AND BENEFIT PACKAGE.

(E) TO EXECUTE ITS TASKS UNDER THIS SUBDIVISION, THE SUBCOMMITTEE SHALL ENSURE THAT IT COORDINATES ITS EFFORTS WITH ITS TASKS UNDER SUBDIVISION FOUR OF THIS SECTION TO BUILD LINKAGES BETWEEN EDUCATION AND JOB TRAINING PROGRAMS AND ENSURE SMOOTH CAREER PATHWAYS.

4. EDUCATION PROGRAMS. (A) THE SUBCOMMITTEE SHALL WORK WITH ALL RELEVANT PUBLIC AND PRIVATE STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO, THOSE LISTED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION TO ASSIST SUCH ENTITIES IN DEVELOPING EDUCATIONAL PROGRAMS AND CURRICULA THAT PREPARE STUDENTS FOR FUTURE CAREERS IN THE GREEN ECONOMY BASED ON THE RESULTS OF THE LABOR MARKET/INDUSTRY DATA ANALYSIS REQUIRED BY SUBDIVISION TWO OF THIS SECTION.

(B) THE SUBCOMMITTEE SHALL EXPAND AND BUILD ON THE SUCCESSES OF EXISTING EDUCATION PROGRAMS AT COLLEGES AND UNIVERSITIES, SUCH AS SUNY DELHI, SUNY FARMINGDALE, HUDSON VALLEY COMMUNITY COLLEGE, AND BRONX COMMUNITY COLLEGE; TO FILL THE GAPS IDENTIFIED IN THE WORKFORCE DATA ANALYSIS, THE SUBCOMMITTEE SHALL DEVELOP NEW TRAINING PROGRAMS, CURRICULA, SUPPORT SERVICES AND CAREER GUIDANCE/MENTORING PROGRAMS IN THE GREEN ECONOMY.

(C) IN DEVELOPING THESE PROGRAMS, THE SUBCOMMITTEE WILL ENSURE THAT THE FOLLOWING CRITERIA ARE MET:

(I) ASSIST STUDENTS IN ACQUIRING THE SKILLS AND KNOWLEDGE THAT ARE RELEVANT TO FUTURE CAREERS DIRECTLY RELATED TO THE GREEN ECONOMY;

(II) INVOLVE EMPLOYERS AND LABOR ORGANIZATIONS IN DETERMINING RELEVANT SKILLS AND COMPETENCIES, AS WELL AS ENSURE THAT THE CERTIFICATES OR CREDENTIALS RESULTING FROM THE TRAINING PROGRAMS ARE EMPLOYER-RECOGNIZED;

(III) TO THE MAXIMUM EXTENT FEASIBLE, COORDINATE WITH EXISTING PROGRAMS TO INTEGRATE GREEN CONCEPTS INTO EXISTING CURRICULA;

(IV) COORDINATE WITH UNION AND NON-UNION APPRENTICESHIP PROGRAMS; AND

(V) LEVERAGE A MIX OF PUBLIC AND PRIVATE FUNDING, INCLUDING CASH OR IN-KIND MATCHES.

(D) TO EXECUTE ITS TASKS UNDER THIS SUBDIVISION, THE SUBCOMMITTEE SHALL ENSURE THAT IT COORDINATES ITS EFFORTS UNDER SUBDIVISION THREE OF THIS SECTION TO BUILD LINKAGES BETWEEN EDUCATION AND JOB TRAINING PROGRAMS AND ENSURE SMOOTH CAREER PATHWAYS.

5. LOCAL GREEN JOBS CORPS. (A) THE SUBCOMMITTEE WILL WORK WITH LOCAL AND REGIONAL GOVERNMENTS TO FACILITATE THE CREATION OF LOCAL GREEN JOBS CORPS IN MUNICIPALITIES THROUGHOUT NEW YORK STATE;

(B) GREEN JOBS CORPS WILL WORK WITH THE LOCAL COMMUNITY, LOCAL WORKFORCE INVESTMENT BOARDS, OTHER ESTABLISHED LOCAL GREEN JOBS PROGRAMS AND INITIATIVES, AND TAKE ALL NECESSARY STEPS TO DEVELOP GREEN CAREER PATHS, INCLUDING BUT NOT LIMITED TO, JOB READINESS, SKILLS EDUCATION AND CAREER COUNSELING;

(C) TO THE MAXIMUM EXTENT FEASIBLE, EACH LOCAL GREEN JOBS CORPS SHALL BE ESTABLISHED AS A MULTI-STAKEHOLDER TASK FORCE AND INCLUDE KEY STAKEHOLDERS SUCH AS REPRESENTATIVES FROM THE COMMUNITY, LOCAL GOVERNMENT, RESIDENTS, ENVIRONMENTAL, EDUCATION, BUSINESS AND LABOR GROUPS; AND

(D) THE SUBCOMMITTEE SHALL ASSIST LOCAL GREEN JOBS CORPS AS NEEDED.

6. THE SUBCOMMITTEE SHALL EXPLORE ALL PUBLIC AND PRIVATE FUNDING MECHANISMS TO IMPLEMENT THE PROVISIONS OF THIS SECTION; SUCH FINANCING MECHANISMS SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

(A) ANY AND ALL FUNDS AVAILABLE THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT;

(B) ANY OR ALL FUNDS AVAILABLE THROUGH THE ENERGY EFFICIENCY OR RENEWABLE ENERGY PORTFOLIO STANDARDS;

(C) STATE AND FEDERAL WORKFORCE AND ECONOMIC DEVELOPMENT FUNDS, INCLUDING BUT NOT LIMITED TO NYSERDA;

(D) PRIVATE SECTOR TRAINING INVESTMENTS;

(E) STATE BONDING INITIATIVES;

(F) AUCTION REVENUES FROM STATE AND FEDERAL CAP-AND-TRADE PROGRAMS;

(G) GRANTS;

(H) PUBLIC PENSION FUND INVESTMENTS;

(I) SAVINGS FROM INVESTMENTS IN ENERGY EFFICIENCY RETROFITS;

(J) INVESTMENT/PRODUCTION TAX CREDITS AND OTHER TAX ABATEMENT INCENTIVES; AND

(K) FOUNDATIONS AND CORPORATIONS.

7. REPORTING REQUIREMENTS. (A) BASED ON ITS PERIODIC REPORTS, AS SET FORTH IN SUBDIVISION TWO OF THIS SECTION, THE SUBCOMMITTEE SHALL PREPARE AN ANNUAL REPORT ON GREEN LABOR MARKET OUTCOMES AND WORKFORCE TRENDS, WHICH SHALL BE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE. ALL SUBSEQUENT ANNUAL REPORTS SHALL BE DUE ONE YEAR FROM THE SUBMISSION OF THE PRIOR REPORT OR AS SOON AS PRACTICABLE THEREAFTER.

(B) THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(I) UP-TO-DATE LABOR MARKET AND INDUSTRY DATA ANALYSIS, INCLUDING DEMOGRAPHICS OF TRAINEES AND STUDENTS AND SIGNIFICANT BARRIERS TO TRAINING, EDUCATION AND EMPLOYMENT SUCH AS LIMITED LANGUAGE SKILLS, CRIMINAL RECORD, ADDICTION OR MENTAL HEALTH ISSUES;

(II) A SUMMARY OF NEW JOB TRAINING PROGRAMS AND FUNDING SOURCES SUPPORTING THESE PROGRAMS, INCLUDING THE NUMBER OF APPLICANTS TO A PROGRAM, NUMBER OF PARTICIPANTS ENROLLED, AND COMPLETION RATES;

(III) A SUMMARY OF NEW EDUCATION PROGRAMS AND FUNDING SOURCES SUPPORTING THESE PROGRAMS, INCLUDING THE NUMBER OF APPLICANTS TO A PROGRAM, NUMBER OF PARTICIPANTS ENROLLED, AND GRADUATION RATES;

(IV) A SUMMARY OF EXISTING PROGRAMS THAT HAVE INCORPORATED GREEN JOBS SKILLS INTO THEIR CURRICULUM;

(V) A SUMMARY OF PARTNERSHIPS THAT HAVE CREATED LINKAGES BETWEEN EDUCATION AND JOB TRAINING PROGRAMS;

(VI) A SUMMARY OF NEW LOCAL GREEN JOBS INITIATIVES;

(VII) THE RATE OF JOB PLACEMENT AND EMPLOYMENT RETENTION AFTER ONE YEAR;

(VIII) THE AVERAGE WAGE AT PLACEMENT, INCLUDING BENEFITS AND RATE OF AVERAGE WAGE INCREASE AFTER ONE YEAR;

(IX) RECOMMENDATIONS TO IMPLEMENT NEW JOB TRAINING AND EDUCATION PROGRAMS, AND TO INCREASE JOB PLACEMENT AND RETENTION; AND

(X) PROGRESS ON IMPLEMENTATION OF RECOMMENDATIONS FROM PRIOR REPORTING CYCLES.

(C) THE REPORT SHALL MAKE NARROWLY TAILORED RECOMMENDATIONS BASED UPON THE AFOREMENTIONED DATA AND FINDINGS, INCLUDING SPECIFIC AND TARGETED

REQUIREMENTS FOR ACTIONS TO BE COMPLETED WITHIN PRE-DETERMINED TIME-FRAMES.

S 2. This act shall take effect immediately; provided that the state workforce investment board shall establish the green jobs subcommittee within 6 months of the date on which this act shall have become a law.