

1546

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. MILLMAN -- read once and referred to the Committee on Labor

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
18 this section, "applicant" shall mean an educational agency, business, or
19 industry group or association, an employee union or organizations, a

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

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community based organization, grant recipient or administrative entity of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA and [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

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

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

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

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

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

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

10. For any positions opened as a result of a project conducted pursuant to 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 9. Subdivision 2 of section 858-b of the general municipal law, as added by chapter 356 of the laws of 1993, is amended to read as follows:

2. Except as is otherwise provided by collective bargaining contracts or agreements, new employment opportunities created as a result of projects of the agency shall be listed with the New York state department of labor [community services division] DIVISION OF EMPLOYMENT SERVICES, and with the administrative entity of the [service delivery area] LOCAL WORKFORCE INVESTMENT AREA created by the federal [job training partnership act (P.L. No. 97-300)] WORKFORCE INVESTMENT ACT (P.L. 105-220) in which the project is located. Except as is otherwise provided by collective bargaining contracts or agreements, sponsors of projects shall agree, where practicable, to first consider [persons eligible to participate in the federal job training partnership (P.L. No. 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 by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the [community services division] DIVISION OF EMPLOYMENT SERVICES of the department of labor for such [such] new employment opportunities.

S 10. Section 9-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 839 of the laws of 1987, is amended to read as follows:

S 9-b. For any positions opened as a result of assistance provided pursuant to section nine-a of this act, industrial firms 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 industrial firm by administrative entities of [service delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or by the

1 [job service division] DIVISION OF EMPLOYMENT SERVICES of the department
2 of labor.

3 S 11. Paragraph (g) of subdivision 2 of section 16-b of section 1 of
4 chapter 174 of the laws of 1968 constituting the New York state urban
5 development corporation act, as added by chapter 169 of the laws of
6 1994, is amended to read as follows:

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

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

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

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

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

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

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

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

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

55 (e) The impact of the project on the employment and economic condition
56 of the community;

- (f) The cost per job created or retained based on total project cost;
(g) The amount of private investment leveraged;
(h) The level of local public support; and
(i) The likelihood of accomplishing the project in a timely fashion.

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

(19) Preference. For any positions opened as a result of business development project loans, entities 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 programs (P.L. 97-3400) (29 U.S.C.A. S801 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, who shall be referred to the business 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 14. Subdivision 3 of section 16-h of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 3-c of part A of chapter 58 of the laws of 1998, is amended to read as follows:

3. Applications for assistance pursuant to this section shall be reviewed and evaluated in consultation with local government officials and regional economic development offices pursuant to eligibility requirements and criteria set forth in rules and regulations promulgated by the corporation. The corporation shall develop and use a standard application project form. IN ADDITION TO SUCH OTHER CRITERIA AS THE CORPORATION MAY ADOPT, THE CORPORATION SHALL GIVE PRIORITY TO APPLICATIONS FOR ASSISTANCE IN WHICH THE BUSINESS INDICATES A COMMITMENT, FOR NEW POSITIONS OPENED AS A RESULT OF ASSISTANCE PROVIDED UNDER THIS SECTION, TO PROVIDE NOTICE OF SUCH POSITION OPENINGS 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 BUSINESS BY ADMINISTRATIVE ENTITIES OF LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.

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

2-A. FOR ANY POSITIONS OPENED AS A RESULT OF A PROJECT CONDUCTED PURSUANT TO THIS SECTION BUSINESSES SO ASSISTED SHALL PROVIDE NOTICE OF POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL 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 INDUSTRIAL FIRM BY ADMINISTRATIVE ENTITIES OF LOCAL WORKFORCE INVESTMENT AREAS CREATED PURSUANT TO SUCH ACT OR BY THE DIVISION OF EMPLOYMENT SERVICES OF THE DEPARTMENT OF LABOR.

1 S 16. This act shall take effect immediately; provided, however, that
2 the amendments to subdivision 8 of section 224 of the economic develop-
3 ment law made by section three of this act shall take effect on the same
4 date and in the same manner as section 3 of chapter 291 of the laws of
5 1990 takes effect; and provided, further, that the amendments to section
6 16-m of the New York state urban development corporation act made by
7 section fifteen of this act shall not affect the expiration of such
8 section and shall be deemed to expire therewith.