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

4337--A

2011-2012 Regular Sessions

I N S E N A T E

March 29, 2011

Introduced by Sen. SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor 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 labor law, in relation to establishing the summer employment program

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

Section 1. Legislative findings and declaration. The legislature finds and declares that summer employment is an important formative activity for youth as they make transitions between middle and high school and into employment or post-secondary education. The legislature also finds that the summer months provide an ideal time frame during which youth can earn money and experience the world of work without placing limitations on the time that can, and should, be spent preparing for and attending classes.

The legislature also finds that employment for youth can be valued not only in terms of the work performed but also in relation to the enhanced self-esteem of participants that comes, in part, from earned income.

The legislature also finds that employment provides an opportunity for young people to gain interpersonal and employability skills, including team building, conflict resolution and problem solving, that are complementary to academic activity and that will serve employers well in the future when they have a pool of job candidates who are experienced with workplace expectations.

Therefore the legislature declares that a summer employment program would have significant benefit for both participants and employers.

S 2. The labor law is amended by adding a new article 25-C to read as follows:

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

LBD03592-03-2

ARTICLE 25-C
SUMMER EMPLOYMENT PROGRAM

SECTION 862. SHORT TITLE.
862-A. ADMINISTRATION.
862-B. PROGRAM.
862-C. PROVIDERS.
862-D. USE OF FUNDS.
862-E. REPORTING AND EVALUATION.

S 862. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "SUMMER EMPLOYMENT PROGRAM".

S 862-A. ADMINISTRATION. 1. THE COMMISSIONER SHALL FORMULATE AND ESTABLISH A SUMMER EMPLOYMENT PROGRAM FOR THE PURPOSE OF PROVIDING YOUTH FOURTEEN TO TWENTY-ONE YEARS OF AGE WITH PAID SUMMER EMPLOYMENT THROUGH CONTRACTS WITH LOCAL PROVIDERS ELIGIBLE TO PARTICIPATE IN THE PROGRAM PURSUANT TO SECTION EIGHT HUNDRED SIXTY-TWO-C OF THIS ARTICLE. THE COMMISSIONER SHALL DO THE FOLLOWING:

A. INSTRUCT LOCAL WORKFORCE INVESTMENT BOARDS TO DEVELOP AND ISSUE A REQUEST FOR PROPOSAL FOR LOCAL ELIGIBLE PROVIDERS TO PROVIDE SUMMER EMPLOYMENT NO LATER THAN NOVEMBER FIRST, TWO THOUSAND THIRTEEN AND EACH NOVEMBER FIRST TRIENNIALLY THEREAFTER. PROPOSALS SHALL INCLUDE BUT ARE NOT LIMITED TO:

(I) A DESCRIPTION OF THE JOBS TO BE DEVELOPED OR FILLED; AND

(II) WAGES AND BENEFITS;

B. NOTIFY LOCAL PROVIDERS NO LATER THAN MARCH FIRST OF EACH YEAR OF PROGRAM ALLOCATION AND ENSURE THAT PROGRAMS CAN RECRUIT AND ASSIGN PARTICIPANTS TO JOBS IN A TIMELY MANNER; AND

C. PROVIDE TECHNICAL ASSISTANCE TO PROGRAM PROVIDERS AS APPROPRIATE.

2. THE PROGRAM SHALL BE ADMINISTERED INDEPENDENTLY OF ANY OTHER FEDERALLY-FUNDED YEAR-ROUND, BEFORE OR AFTER-SCHOOL, OR SUMMER JOBS PROGRAM AND PROGRAM FUNDS SHALL NOT BE USED TO SUPPLANT FUNDS OTHERWISE AVAILABLE FROM ANY FEDERAL, STATE OR LOCAL SOURCE.

S 862-B. PROGRAM. 1. EMPLOYMENT OPPORTUNITIES SUPPORTED THROUGH THE PROGRAM SHALL BE:

A. POSITIONS IN THE PUBLIC OR NOT-FOR-PROFIT SECTORS;

B. JOBS THAT EMPLOY INDIVIDUALS A MINIMUM OF TWENTY-FOUR HOURS PER WEEK; AND

C. JOBS THAT ARE COMPLIANT WITH ALL STATE AND FEDERAL LABOR LAWS AND HEALTH AND SAFETY STANDARDS.

2. PARTICIPATION SHALL BE LIMITED TO YOUTH FOURTEEN TO TWENTY-ONE YEARS OF AGE. A. PRIORITY SHALL BE GIVEN TO THOSE YOUTH WHO ARE FOURTEEN TO FIFTEEN YEARS OF AGE.

B. NOT LESS THAN SEVENTY PERCENT OF PARTICIPANTS SHALL BE FROM FAMILIES WITH INCOME AT OR BELOW TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL.

S 862-C. PROVIDERS. PROVIDERS ELIGIBLE TO RECEIVE FUNDS UNDER THIS PROGRAM ARE LIMITED TO LOCAL COMMUNITY-BASED ORGANIZATIONS, GOVERNMENT ENTITIES AND WORKFORCE INVESTMENT BOARDS WITH PRIOR EXPERIENCE IN ADMINISTERING AND PROVIDING SUMMER YOUTH EMPLOYMENT SERVICES. PREFERENCE SHALL BE GIVEN TO COMMUNITY-BASED ORGANIZATIONS AND FURTHER PREFERENCE SHALL BE GIVEN TO THOSE COMMUNITY AND GOVERNMENT AGENCIES WITH DEMONSTRATED SUCCESSFUL EXPERIENCE IN PROVIDING YOUTH EMPLOYMENT.

S 862-D. USE OF FUNDS. 1. FUNDS SHALL BE USED UNDER THIS ARTICLE FOR THE FOLLOWING:

A. WAGES AND BENEFITS;

B. TRANSPORTATION;

C. CLOTHING ALLOWANCE INCLUDING FULL-COST OF UNIFORMS; AND

D. TOOLS AND SUPPLIES.

2. NO MORE THAN TEN PERCENT OF THE FUNDS SHALL BE USED FOR ADMINISTRATIVE PURPOSES.

S 862-E. REPORTING AND EVALUATION. ON OR BEFORE DECEMBER FIRST, TWO THOUSAND FOURTEEN AND ON OR BEFORE EVERY SUBSEQUENT DECEMBER FIRST, THE COMMISSIONER SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON THE IMPACT OF THE PROGRAM. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

1. A DESCRIPTION OF THE SUMMER POSITIONS FILLED BY PROGRAM PARTICIPANTS INCLUDING:

A. JOB TITLES;

B. WAGES AND BENEFITS; AND

C. NUMBER OF PARTICIPANTS BY AGE.

2. LISTS OF EMPLOYERS BY LOCATION.

S 3. This act shall take effect April 1, 2013.