

8695

I N   A S S E M B L Y

January 12, 2016

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Introduced by M. of A. LUPINACCI, MALLIOTAKIS, KOLB, WALTER -- read once  
and referred to the Committee on Education

AN ACT to amend the labor law, in relation to establishing the youth apprenticeship program; and making an appropriation therefor (Part A); to amend the education law, in relation to establishing the enhanced regents professional diploma (Part B); and to amend the tax law, in relation to establishing a youth apprenticeship tax credit (Part C)

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

1     Section 1. This act shall be known and may be cited as the "learning  
2     for work act".  
3     S 2. Legislative findings and intent. According to a recent college  
4     and career readiness study released by the New York state education  
5     department, only thirty-five percent of high school graduates are  
6     college or career ready. This lack of preparedness has driven many high  
7     school graduates into low-paying jobs, or college degree programs that  
8     they are not interested in, fail to lead to careers and result in an  
9     unreasonably high amount of student debt. For many current and future  
10    high school students, the traditional pathway of a basic high school  
11    education and then on to a four-year college may not be the correct  
12    route to take. These students would benefit from a program that would  
13    prepare them for employment immediately upon graduating high school.  
14    Therefore, the legislature finds it necessary to establish this "learn-  
15    ing for work" program in our high schools that will create a youth  
16    apprenticeship program, an enhanced regents professional diploma with a  
17    designation in a specified occupational area and a tax credit for  
18    employers who take part in the youth apprenticeship program. This would  
19    further the goals of limiting the accumulation of unsustainable student  
20    debt, and ensuring all students in the state of New York are prepared to  
21    enter the twenty-first century workforce.  
22    S 3. This act enacts into law major components of legislation which  
23    are necessary to implement the "learning for work act". Each component  
24    is wholly contained within a Part identified as Parts A through C. The  
25    effective date for each particular provision contained within such Part

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

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is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section five of this act sets forth the general effective date of this act.

## PART A

Section 1. The labor law is amended by adding a new article 23-C to read as follows:

### ARTICLE 23-C

#### YOUTH APPRENTICESHIP PROGRAM

##### SECTION 832. DEFINITIONS.

832-A. YOUTH APPRENTICESHIP PROGRAM.

832-B. LOCAL PARTNERSHIP DUTIES AND RESPONSIBILITIES.

832-C. YOUTH APPRENTICESHIP PROGRAM OUTCOME REQUIREMENTS.

832-D. RULES AND REGULATIONS.

S 832. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "LOCAL PARTNERSHIP" MEANS ANY COMBINATION OF ONE OR MORE SCHOOL DISTRICTS, OTHER PUBLIC AGENCIES, COMMUNITY COLLEGES, NOT-FOR-PROFIT ORGANIZATIONS, INDIVIDUALS, BUSINESSES OR OTHER PERSONS, WHO HAVE AGREED TO BE RESPONSIBLE FOR IMPLEMENTING AND COORDINATING A LOCAL YOUTH APPRENTICESHIP PROGRAM AND HAVE RECEIVED FORMAL RECOGNITION FROM THE DEPARTMENT.

2. "PUBLIC AGENCY" MEANS A COUNTY, CITY, VILLAGE, TOWN OR SCHOOL DISTRICT OR AN AGENCY OF THIS STATE OR OF A COUNTY, CITY, VILLAGE, TOWN OR SCHOOL DISTRICT.

S 832-A. YOUTH APPRENTICESHIP PROGRAM. 1. THE DEPARTMENT SHALL ESTABLISH A YOUTH APPRENTICESHIP PROGRAM. THE YOUTH APPRENTICESHIP PROGRAM SHALL BE A ONE OR TWO YEAR PROGRAM BEGINNING IN GRADE ELEVEN OR TWELVE AND COMBINE ACADEMIC CLASSROOM COURSEWORK WITH MENTORED ON-THE-JOB TRAINING IN A SPECIFIED OCCUPATIONAL AREA. SPECIFIC REQUIREMENTS FOR EACH YOUTH APPRENTICESHIP PROGRAM SHALL BE DETERMINED BY THE RESPECTIVE LOCAL PARTNERSHIP RESPONSIBLE FOR IMPLEMENTING AND COORDINATING A LOCAL YOUTH APPRENTICESHIP PROGRAM.

2. THE STATE APPRENTICESHIP AND TRAINING COUNCIL, THE STATE WORKFORCE INVESTMENT BOARD, THE BOARD OF REGENTS, AND THE STATE EDUCATION DEPARTMENT SHALL ASSIST THE DEPARTMENT IN PROVIDING THE YOUTH APPRENTICESHIP PROGRAM UNDER SUBDIVISION ONE OF THIS SECTION.

3. THE DEPARTMENT SHALL APPROVE OCCUPATIONS AND MAINTAIN A LIST OF APPROVED OCCUPATIONS FOR THE YOUTH APPRENTICESHIP PROGRAM.

4. THE YOUTH APPRENTICESHIP PROGRAM CREATED UNDER SUBDIVISION ONE OF THIS SECTION SHALL NOT AFFECT ANY APPRENTICESHIP PROGRAM THAT IS GOVERNED BY ARTICLE TWENTY-THREE OF THIS CHAPTER EXCEPT THAT AN APPRENTICESHIP PROGRAM THAT IS GOVERNED BY ARTICLE TWENTY-THREE OF THIS CHAPTER MAY GRANT CREDIT TOWARD THE COMPLETION OF AN APPRENTICESHIP FOR THE SUCCESSFUL COMPLETION OF A YOUTH APPRENTICESHIP UNDER SUBDIVISION ONE OF THIS SECTION.

S 832-B. LOCAL PARTNERSHIP DUTIES AND RESPONSIBILITIES. 1. FROM FUNDING UNDER THE WORKFORCE INVESTMENT ACT, PUBLIC LAW 105-220, AND THE WORKFORCE INNOVATION AND OPPORTUNITY ACT, PUBLIC LAW 113-128, THE DEPARTMENT MAY AWARD GRANTS TO APPLYING LOCAL PARTNERSHIPS FOR THE IMPLEMENTATION AND COORDINATION OF LOCAL YOUTH APPRENTICESHIP PROGRAMS

1 THAT ARE APPROVED BY THE COMMISSIONER. A LOCAL PARTNERSHIP THAT IS  
2 AWARDED A GRANT UNDER THIS SUBDIVISION MAY USE THE GRANT MONEYS AWARDED  
3 FOR ANY OF THE FOLLOWING IMPLEMENTATION AND COORDINATION ACTIVITIES:

4 (A) RECRUITING EMPLOYERS TO PROVIDE ON-THE-JOB TRAINING AND SUPER-  
5 VISION FOR YOUTH APPRENTICES AND PROVIDING TECHNICAL ASSISTANCE TO THOSE  
6 EMPLOYERS.

7 (B) RECRUITING STUDENTS TO PARTICIPATE IN THE LOCAL YOUTH APPRENTICE-  
8 SHIP PROGRAM AND MONITORING THE PROGRESS OF YOUTH APPRENTICES PARTIC-  
9 IPATING IN THE PROGRAM.

10 (C) COORDINATING YOUTH APPRENTICESHIP TRAINING ACTIVITIES WITHIN  
11 PARTICIPATING SCHOOL DISTRICTS AND AMONG PARTICIPATING SCHOOL DISTRICTS,  
12 POSTSECONDARY INSTITUTIONS AND EMPLOYERS.

13 (D) COORDINATING ACADEMIC, VOCATIONAL AND OCCUPATIONAL LEARNING,  
14 SCHOOL-BASED AND WORK-BASED LEARNING AND SECONDARY AND POSTSECONDARY  
15 EDUCATION FOR PARTICIPANTS IN THE LOCAL YOUTH APPRENTICESHIP PROGRAM.

16 (E) ASSISTING EMPLOYERS IN IDENTIFYING AND TRAINING WORKPLACE MENTORS  
17 AND MATCHING YOUTH APPRENTICES AND MENTORS.

18 (F) ANY OTHER IMPLEMENTATION OR COORDINATION ACTIVITY THAT THE DEPART-  
19 MENT MAY DIRECT OR PERMIT THE LOCAL PARTNERSHIP TO PERFORM.

20 2. A LOCAL PARTNERSHIP THAT IS AWARDED A GRANT UNDER SUBDIVISION ONE  
21 OF THIS SECTION MAY NOT USE ANY OF THE GRANT MONEYS AWARDED TO PROVIDE  
22 FUNDING TO A BUSINESS THAT IS OPERATED FOR PROFIT OR TO A NONPROFIT  
23 ORGANIZATION THAT REPRESENTS BUSINESS INTERESTS, AND MAY ONLY BE USED  
24 FOR THE IMPLEMENTATION OF SUBDIVISION ONE OF THIS SECTION.

25 3. THE AMOUNT OF A GRANT AWARDED UNDER SUBDIVISION ONE OF THIS SECTION  
26 MAY NOT EXCEED ONE THOUSAND DOLLARS PER YOUTH APPRENTICE. A LOCAL PART-  
27 NERSHIP THAT IS AWARDED A GRANT UNDER SUBDIVISION ONE OF THIS SECTION  
28 SHALL PROVIDE MATCHING FUNDS EQUAL TO AT LEAST TWENTY-FIVE PERCENT OF  
29 THE GRANT AMOUNT AWARDED.

30 S 832-C. YOUTH APPRENTICESHIP PROGRAM OUTCOME REQUIREMENTS. 1. THE  
31 FOLLOWING OUTCOMES ARE EXPECTED OF A LOCAL YOUTH APPRENTICESHIP PROGRAM  
32 THAT IS FUNDED PURSUANT TO SUBDIVISION ONE OF SECTION EIGHT HUNDRED  
33 THIRTY-TWO-B OF THIS ARTICLE:

34 (A) AT LEAST EIGHTY PERCENT OF THE YOUTH APPRENTICES WHO PARTICIPATE  
35 IN THE PROGRAM MUST RECEIVE AN ENHANCED REGENTS PROFESSIONAL DIPLOMA  
36 PURSUANT TO SECTION TWO HUNDRED EIGHT-B OF THE EDUCATION LAW ON  
37 COMPLETION OF THE YOUTH APPRENTICESHIP.

38 (B) AT LEAST FIFTY PERCENT OF THE YOUTH APPRENTICES WHO PARTICIPATE IN  
39 THE PROGRAM MUST BE OFFERED EMPLOYMENT BY THE EMPLOYER THAT PROVIDED THE  
40 ON-THE-JOB TRAINING FOR THE YOUTH APPRENTICE ON COMPLETION OF THE YOUTH  
41 APPRENTICESHIP.

42 2. ANY STUDENT TAKING PART IN A YOUTH APPRENTICESHIP PROGRAM WHO  
43 RECEIVES AN ENHANCED REGENTS PROFESSIONAL DIPLOMA PURSUANT TO SECTION  
44 TWO HUNDRED EIGHT-B OF THE EDUCATION LAW AND IS EITHER NOT OFFERED, OR  
45 CHOOSES NOT TO SEEK, EMPLOYMENT IN THEIR SPECIFIED OCCUPATIONAL AREA,  
46 SHALL RECEIVE A MINIMUM OF FIFTEEN CREDIT HOURS TO BE APPLIED IN PURSUIT  
47 OF A POSTSECONDARY DEGREE AT A STATE UNIVERSITY OF NEW YORK OR CITY  
48 UNIVERSITY OF NEW YORK INSTITUTION.

49 S 832-D. RULES AND REGULATIONS. THE DEPARTMENT OF LABOR SHALL PROMUL-  
50 GATE ALL RULES AND REGULATIONS AS SHALL BE NECESSARY TO ADMINISTER THIS  
51 ARTICLE.

52 S 2. The sum of up to five million dollars (\$5,000,000), is hereby  
53 appropriated to the department of labor for the purpose of carrying out  
54 the provisions of this act to be funded by grants under the workforce  
55 investment act, Public Law 105-220, and the workforce innovation and  
56 opportunity act, Public Law 113-128. Such moneys shall be payable on the

1 audit and warrant of the comptroller on vouchers certified or approved  
2 by the commissioner of the department of labor in the manner prescribed  
3 by law.

4 S 3. This act shall take effect immediately.

5 PART B

6 Section 1. The education law is amended by adding a new section 208-b  
7 to read as follows:

8 S 208-B. ENHANCED REGENTS PROFESSIONAL DIPLOMA. 1. THE BOARD OF  
9 REGENTS SHALL CREATE AN ENHANCED REGENTS PROFESSIONAL DIPLOMA TO  
10 ACKNOWLEDGE THE PROFESSIONAL SKILLS AND SPECIFIC OCCUPATIONAL TRAINING  
11 STUDENTS OBTAIN IN THE COURSE OF THEIR STUDY. SUCH DEGREE WILL INCLUDE  
12 DESIGNATIONS AS DETERMINED BY THE COMMISSIONER THAT DENOTE THE PROFES-  
13 SIONAL SKILLS AND SPECIFIC OCCUPATIONAL TRAINING OBTAINED BY A STUDENT.  
14 THE COMMISSIONER SHALL PROMULGATE REGULATIONS REGARDING THE REQUIREMENTS  
15 FOR AN ENHANCED REGENTS PROFESSIONAL DEGREE TO INCLUDE THE:

16 A. COMPLETION OF A TECHNICAL ASSESSMENT;

17 B. COMPLETION OF A WORK-SKILLS EMPLOYABILITY PROFILE;

18 C. COMPLETION OF A WORK-BASED LEARNING EXPERIENCE; AND

19 D. MEETING ALL REQUIREMENTS NECESSARY TO RECEIVE A REGENTS DIPLOMA.

20 2. THE COMMISSIONER, IN CONJUNCTION WITH THE STATE APPRENTICESHIP AND  
21 TRAINING COUNCIL, THE STATE WORKFORCE INVESTMENT BOARD, AND THE DEPART-  
22 MENT OF LABOR SHALL ESTABLISH PROFESSIONAL SKILL AND OCCUPATIONAL TRAIN-  
23 ING DESIGNATIONS THAT MAY BE ATTACHED TO AN ENHANCED REGENTS PROFES-  
24 SIONAL DIPLOMA THAT WILL DENOTE THE PROFESSIONAL SKILLS A STUDENT HAS  
25 OBTAINED THROUGHOUT THE COURSE OF HIS OR HER STUDIES.

26 3. THE COMMISSIONER, IN CONJUNCTION WITH THE STATE APPRENTICESHIP AND  
27 TRAINING COUNCIL, THE STATE WORKFORCE INVESTMENT BOARD, AND THE DEPART-  
28 MENT OF LABOR SHALL DESIGN A SERIES OF TECHNICAL ASSESSMENTS TO TEST THE  
29 SKILLS AND KNOWLEDGE STUDENTS HAVE OBTAINED IN THEIR WORK-BASED LEARNING  
30 EXPERIENCE. THE COMMISSIONER IS AUTHORIZED TO INCLUDE ANY PERSON OR  
31 ENTITY THAT IS PART OF A LOCAL PARTNERSHIP OF THE YOUTH APPRENTICESHIP  
32 PROGRAM, AS DEFINED IN SECTION EIGHT HUNDRED THIRTY-TWO OF THE LABOR  
33 LAW, IN ANY AND ALL EFFORTS TO DESIGN TECHNICAL ASSESSMENTS.

34 4. THE COMMISSIONER, IN CONJUNCTION WITH THE STATE APPRENTICESHIP AND  
35 TRAINING COUNCIL, THE STATE WORKFORCE INVESTMENT BOARD, AND THE DEPART-  
36 MENT OF LABOR SHALL CREATE A WORK-SKILL EMPLOYABILITY PROFILE FOR USE BY  
37 EMPLOYERS AND/OR EDUCATORS TO DOCUMENT A STUDENT'S PROFESSIONAL SKILLS  
38 AND SPECIFIC OCCUPATIONAL TRAINING.

39 5. THE BOARD OF REGENTS SHALL PROMULGATE SUCH REGULATIONS OF THE  
40 COMMISSIONER AS MAY BE NECESSARY TO ESTABLISH AN ENHANCED REGENTS  
41 PROFESSIONAL DIPLOMA, IMPLEMENT THE REQUIREMENTS HEREIN, AND ESTABLISH  
42 STANDARDS FOR WORK-BASED LEARNING EXPERIENCES INCLUDING REQUIREMENTS FOR  
43 VERIFICATION AND ELIGIBILITY.

44 6. THE YOUTH APPRENTICESHIP PROGRAM AS DEFINED IN ARTICLE  
45 TWENTY-THREE-C OF THE LABOR LAW SHALL BE CONSIDERED AN ELIGIBLE  
46 WORK-BASED LEARNING EXPERIENCE.

47 7. STUDENTS FIRST ENTERING NINTH GRADE IN THE TWO THOUSAND  
48 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND THEREAFTER SHALL BE  
49 ELIGIBLE TO EARN AN ENHANCED REGENTS PROFESSIONAL DIPLOMA.

50 S 2. This act shall take effect immediately.

51 PART C

1 Section 1. Section 210-B of the tax law is amended by adding a new  
2 subdivision 51 to read as follows:

3 51. YOUTH APPRENTICESHIP TAX CREDIT. (A) ALLOWANCE OF CREDIT. A  
4 TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTI-  
5 CLE PROVIDED THAT SUCH TAXPAYER TAKES PART IN THE YOUTH APPRENTICESHIP  
6 PROGRAM, PURSUANT TO ARTICLE TWENTY-THREE-C OF THE LABOR LAW.

7 (B) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO ONE  
8 THOUSAND FIVE HUNDRED DOLLARS FOR EACH APPRENTICE THE PARTICIPATING  
9 EMPLOYER SPONSORS.

10 (C) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION  
11 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS  
12 THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPH (D) OF SUBDIVI-  
13 SION ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE.

14 S 2. Section 606 of the tax law is amended by adding a new subsection  
15 (eee) to read as follows:

16 (EEE) YOUTH APPRENTICESHIP TAX CREDIT. (1) ALLOWANCE OF CREDIT. A  
17 TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTI-  
18 CLE PROVIDED THAT SUCH TAXPAYER TAKES PART IN THE YOUTH APPRENTICESHIP  
19 PROGRAM, PURSUANT TO ARTICLE TWENTY-THREE-C OF THE LABOR LAW.

20 (2) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO ONE  
21 THOUSAND FIVE HUNDRED DOLLARS FOR EACH APPRENTICE THE PARTICIPATING  
22 EMPLOYER SPONSORS.

23 (3) APPLICATION OF CREDIT. IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS  
24 SUBSECTION FOR ANY TAXABLE YEAR EXCEEDS THE TAXPAYER'S TAX FOR SUCH  
25 YEAR, THE EXCESS WILL NOT BE TREATED AS AN OVERPAYMENT OF TAX AND WILL  
26 NOT BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
27 SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE.

28 S 3. This act shall take effect immediately and shall apply to taxable  
29 years beginning on and after January 1, 2016.

30 S 4. Severability clause. If any clause, sentence, paragraph, subdivi-  
31 sion, section or part of this act shall be adjudged by any court of  
32 competent jurisdiction to be invalid, such judgment shall not affect,  
33 impair, or invalidate the remainder thereof, but shall be confined in  
34 its operation to the clause, sentence, paragraph, subdivision, section  
35 or part thereof directly involved in the controversy in which such judg-  
36 ment shall have been rendered. It is hereby declared to be the intent of  
37 the legislature that this act would have been enacted even if such  
38 invalid provisions had not been included herein.

39 S 5. This act shall take effect immediately; provided, however, that  
40 the applicable effective dates of Parts A through C of this act shall be  
41 as specifically set forth in the last section of such Parts.