

2015-2016 Regular Sessions

I N S E N A T E

January 7, 2015

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
18 this section, "applicant" shall mean an educational agency, business, or

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

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

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

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

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

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

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

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

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

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

55 13-d. To require that any new employment opportunities created in
56 connection with industrial or commercial projects financed through loans

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

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

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

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

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

1 CATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS
2 DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED
3 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES
4 who shall be referred by administrative entities of [service delivery
5 areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to such act or
6 by the [community services division] DIVISION OF EMPLOYMENT SERVICES of
7 the department of labor for such new employment opportunities.

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

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

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

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

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

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

1 referred to the industrial firm by administrative entities of [service
2 delivery areas] LOCAL WORKFORCE INVESTMENT AREAS created pursuant to
3 such act or by the [job service division] DIVISION OF EMPLOYMENT
4 SERVICES of the department of labor.

5 S 11. Paragraph (g) of subdivision 2 of section 16-b of section 1 of
6 chapter 174 of the laws of 1968 constituting the New York state urban
7 development corporation act, as added by chapter 169 of the laws of
8 1994, is amended to read as follows:

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

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

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

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

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

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

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

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

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

1 (e) The impact of the project on the employment and economic condition
2 of the community;

3 (f) The cost per job created or retained based on total project cost;

4 (g) The amount of private investment leveraged;

5 (h) The level of local public support; and

6 (i) The likelihood of accomplishing the project in a timely fashion.

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

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

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

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

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

48 2-A. FOR ANY POSITIONS OPENED AS A RESULT OF A PROJECT CONDUCTED
49 PURSUANT TO THIS SECTION BUSINESSES SO ASSISTED SHALL PROVIDE NOTICE OF
50 POSITION OPENINGS TO THE LOCAL WORKFORCE INVESTMENT BOARD AND SHALL
51 FIRST CONSIDER UNEMPLOYED INDIVIDUALS, LOW-INCOME INDIVIDUALS, DISLO-
52 CATED WORKERS, INDIVIDUALS TRAINING FOR NON-TRADITIONAL EMPLOYMENT, AS
53 DEFINED IN THE FEDERAL WORKFORCE INVESTMENT ACT OF NINETEEN HUNDRED
54 NINETY-EIGHT (P.L. 105-220), VETERANS, AND INDIVIDUALS WITH DISABILITIES
55 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.