STATE OF NEW YORK

10480--A

IN ASSEMBLY

May 22, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fahy, Jaffee, Simon, Hevesi, L. Rosenthal, McDonald, Griffin, Burke, Lupardo, Ortiz) -- read once and referred to the Committee on Labor -- 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 New York works progress program; and providing for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "works progress administration-pandemic recovery (WPA-PR)."

§ 2. The labor law is amended by adding a new section 224-d to read as follows:

§ 224-d. New York works progress program. 1. The following terms shall have the following meanings:

(a) "Program" shall mean the New York works progress program established pursuant to subdivision three of this section.

(b) "Eligible individual" shall mean an individual who has been unemployed for at least the sixty-day period prior to the commencement of a project described in subdivision four of this section and who is not a full-time student.

(c) "Priority individual" shall mean an individual who has been unemployed for at least the sixty-day period prior to the commencement of a project described in subdivision four of this section and is between the ages of eighteen and thirty-five, not a full-time student and who is not enrolled in any training program.

2. (a) There is hereby established within the department the New York works progress program which shall be headed by the commissioner.

(b) The purpose of such program is to:

(1) receive works project proposals submitted by state departments and agencies pursuant to paragraph (a) of subdivision three of this section; and

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

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(2) select works projects proposals that meet the criteria pursuant to paragraph (b) of subdivision three of this section, as being eligible for assistance under such program.

3. (a) Not later than thirty days after the effective date of this section, and subsequently at such times as the program shall request, the commissioner of the department of health, the commissioner of the department of energy, the commissioner of agriculture and markets, the president of empire state development and the commissioner of the department of environmental conservation shall submit proposals to the program for works projects within the jurisdiction of each such commissioner or other administrator that satisfy the criteria described in paragraph (b) of this subdivision.

(b) Any work project to be considered for the program shall meet the following criteria:

(1) the project would produce a high number of employee hours per dollar of the total project cost;

(2) individuals with the required skills necessary to carry out the project can be readily recruited or trained and employed from among the eligible individuals described in paragraph (b) of subdivision one of this section;

(3) The project would provide a continuing contribution to economic growth once it has been completed;

(4) The project may be staffed by employees with minimal delay; and

(5) The jobs associated with a specific project shall last for a total of six months, provided they are not located within a county where the unemployment rate, as reported by the United States bureau of labor statistics, is more than five percentage points higher than such county's rate as of February, two thousand twenty.

(c) Works projects under this section may include, but not be limited to:

(1) contact tracing for the COVID-19 coronavirus;

(2) climate change resiliency and restoration focused on nature based solutions, environmental conservation and restoration, and water quality projects including, but not limited to:

(i) residential and commercial water use efficiency improvement projects;

(ii) aquatic ecosystem and water quality improvement projects;

(iii) residential and commercial building weatherization projects;

(iv) renewable energy infrastructure projects;

(v) soil erosion and pesticide runoff prevention projects;

(vi) conservation and recreational land, trail construction and maintenance projects;

(vii) municipal drinking and wastewater projects;

(viii) nature based solutions for climate resilience and restoration; or

(ix) tree planting and retention projects;

(3) projects enhancing the creative economy including, but not limited to:

(i) commissioning public works of visual art;

(ii) staging public musical performances, if consistent with social distancing guidelines;

(iii) creating public works of multimedia art;

(iv) creating public works of digital art; or

(v) staging public performing arts performances, if consistent with social distancing guidelines;

(4) projects enhancing the agricultural, aquaculture, fisheries, food and beverage sectors including, but not limited to:

(i) public instructional classes on nutrition, including community gardening;

(ii) projects using technology to improve agriculture; or

(iii) projects improving enrollment and access to resources addressing food insecurity;

(5) infrastructure projects, including, but not limited to:

(i) road construction;

(ii) railroad construction;

(iii) mass transit improvements;

(iv) rail-to-trail conversion;

(v) nature based solutions to improve the resiliency of built infrastructure; or

(vi) culvert upgrades, and actions that reduce wildlife-vehicle collisions;

(6) projects enhancing home care services, including but not limited to, virtual services;

(7) projects enhancing online education; and

(8) any other project that is proposed by an eligible department and determined to be appropriate by the program.

4. Project proposals submitted to the program pursuant to paragraph (a) of subdivision three of this section shall include:

(a) a description of the project and a full schedule of estimated costs;

(b) an estimate of the number of employment hours required to complete the project;

(c) a hiring timetable relating to the employment of various staffing levels under the project;

(d) an estimated project completion date; and

(e) such other information as the eligible department determines to be appropriate.

5. (a) The program shall approve those proposals which are submitted pursuant to and meet the criteria set forth in subdivision three of this section and shall provide funding for such projects from amounts appropriated for the program.

(b) Priority shall be given to projects located within a county where the unemployment rate, as reported by the United States bureau of labor statistics, is more than five percentage points higher than such county's rate as of February, two thousand twenty or projects that demonstrate a commitment to hiring priority individuals described in paragraph (c) of subdivision one of this section.

6. An eligible department that has submitted a works project proposal pursuant to paragraph (a) of subdivision three of this section shall be responsible for the administration and completion of such project.

7. An eligible department shall be a party to any contract that governs a works project approved and funded in any manner under this section. Departments may contract with private corporations having tax exempt status under section 501 (c) (3) of the United States Internal Revenue Code and privately held businesses for part or all of an approved project subject to the approval of the program.

8. Not later than six months after the effective date of this section, and biannually thereafter on June thirtieth and December thirty-first of each year, the program shall submit a report to the legislature which includes:

(a) the number of works project proposals submitted to the program;

(b) the number of works projects approved by the program during the reporting period;

(c) the number of works projects completed by the date of the report; and

(d) with respect to each approved work project, a project description that includes information about whether the project is complete and such other information as the program determines appropriate.

9. The office of the comptroller shall conduct an annual audit of:

(a) the performance and activities of the program;

(b) the performance and completion of work projects; and

(c) the performance of the eligible agencies with respect to such projects.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed on and after the thirtieth month after the state of emergency declared by executive order 202 that began on March 7, 2020 has been lifted.