

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:

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

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

5 § 224-d. New York works progress program. 1. The following terms shall
6 have the following meanings:

7 (a) "Program" shall mean the New York works progress program estab-
8 lished pursuant to subdivision three of this section.

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

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

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

20 (b) The purpose of such program is to:

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

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

LBD16426-02-0

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

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

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

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

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

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

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

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

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

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

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

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

37 (ii) aquatic ecosystem and water quality improvement projects;

38 (iii) residential and commercial building weatherization projects;

39 (iv) renewable energy infrastructure projects;

40 (v) soil erosion and pesticide runoff prevention projects;

41 (vi) conservation and recreational land, trail construction and main-
42 tenance projects;

43 (vii) municipal drinking and wastewater projects;

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

45 or

46 (ix) tree planting and retention projects;

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

49 (i) commissioning public works of visual art;

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

52 (iii) creating public works of multimedia art;

53 (iv) creating public works of digital art; or

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

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

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

5 (ii) projects using technology to improve agriculture; or

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

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

9 (i) road construction;

10 (ii) railroad construction;

11 (iii) mass transit improvements;

12 (iv) rail-to-trail conversion;

13 (v) nature based solutions to improve the resiliency of built infras-
14 tructure; or

15 (vi) culvert upgrades, and actions that reduce wildlife-vehicle colli-
16 sions;

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

19 (7) projects enhancing online education; and

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

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

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

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

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

30 (d) an estimated project completion date; and

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

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

37 (b) Priority shall be given to projects located within a county where
38 the unemployment rate, as reported by the United States bureau of labor
39 statistics, is more than five percentage points higher than such coun-
40 ty's rate as of February, two thousand twenty or projects that demon-
41 strate a commitment to hiring priority individuals described in para-
42 graph (c) of subdivision one of this section.

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

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

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

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

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

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

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

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

9 (a) the performance and activities of the program;

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

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

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