STATE OF NEW YORK

7489

2021-2022 Regular Sessions

IN SENATE

October 29, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to the establishment of a wage data clearinghouse

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

Section 1. The labor law is amended by adding a new section 45 to read as follows:

§ 45. Wage data clearinghouse. 1. The commissioner, subject to available appropriations and in consultation with the commissioner of the education department and the state workforce investment board, shall establish a wage data clearinghouse. The purpose of the wage data clearinghouse shall be to use existing unemployment insurance data as described in section five hundred thirty-seven of this chapter and other available labor, education and workforce development data to evaluate the long-term effectiveness of workforce development and education programs and to identify gaps in the availability of existing and proposed workforce development training to meet employment needs, in addition, the clearinghouse shall conduct any other research it identifies as contributing to increasing the attainment of long-term employment of residents of this state, especially those who are unemployed or underemployed.

2. The wage data clearinghouse shall be administered by an academic institution in the state of New York with proven expertise in analyzing labor data and shall be selected by the commissioner, in consultation with the commissioner of the education department and the state workforce investment board, through a request for proposals process. Criteria shall include, but not be limited to, the demonstrated ability of the chosen institution to analyze unemployment insurance and wage reporting data and to leverage and attract federal funds and non-governmental funds. The commissioner is authorized to provide funding to a

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

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selected academic institution for operating a wage data clearinghouse of up to six hundred thousand dollars, subject to appropriation. Any unused allocation may be made available in the subsequent fiscal year.

3. The department shall provide the wage data clearinghouse with all state and federal unemployment insurance and wage and employment related data it has available, including but not limited to unemployment insurance data as described in section five hundred thirty-seven of this chapter. All disclosure requirements specified in section five hundred thirty-seven of this chapter shall apply to all wage data clearinghouse employees working with the data.

4. A statewide wage data clearinghouse advisory board is hereby established for the purpose of determining statewide objectives and the wage data clearinghouse's research and evaluation priorities after consultation with the director of the wage data clearinghouse. The advisory board shall appoint a director with expertise in large data systems and data security with preference given to a candidate who has experience with workforce development. Such director shall receive an annual salary within amounts appropriated. (a) The advisory board shall consist of twelve members, including: the chancellor of the state university of New York, or such chancellor's designee; the commissioner of the state education department, or such commissioner's designee; the commissioner of the state department of labor, or the commissioner's designee; a representative of superintendents of schools, appointed by the governor; a representative of a district superintendents of schools, appointed by the governor; a representative of community colleges, appointed by the governor; and, six members of the public, including three appointed by the speaker of the assembly and three appointed by the president pro tempore of the senate. The public members of the advisory board shall have expertise in large data systems and data security, workforce development programs, economic development, business management and/or organized labor. (b) The members of the advisory board shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this section, subject to the approval of the department. (c) Advisory board members who represent state agencies shall be appointed for terms of three years, and members who represent local governments shall serve terms of two years and all other members shall serve terms of four years. Vacancies shall be filled in the same manner as original appointments for the remainder of the unexpired term. (d) Advisory board members shall each be granted voting rights and will together elect a chair whose designation shall be made bi-annually. (e) The advisory board shall meet at such times and places as may be determined by its chair. The advisory board shall meet at a minimum of six times in the first year and a minimum of three times per year thereafter. All meetings shall be open to the public pursuant to article seven of the public officers law. A majority of the members of such council shall constitute a quorum for the transaction of business. (f) After consultation with the director, the advisory board shall discuss and vote on research priorities and topics for the clearinghouse that do not duplicate any research or statistics the department undertakes and that focus on the need of the users of the analysis, which are state and local policy makers, educational entities, workforce development providers, businesses, and economic development administrators.

5. The wage data clearinghouse shall use unemployment insurance data as described in section five hundred thirty-seven of this chapter provided by the department and any other data sets including data

provided by state, federal or local agencies it deems appropriate. The clearinghouse shall keep private and safeguard any personally identifiable information it obtains and shall not release such information to any other party, and shall use any data it obtains solely for the purpose of furthering the effectiveness and efficiency of workforce development efforts as provided in this section.

6. The wage data clearinghouse shall release reports and aggregated data to the department, which shall be posted on the department's website as well as on any website maintained by the clearinghouse.

7. One year after selection of the academic institution that will serve as the clearinghouse, the department shall submit to the director of the budget, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chairs of senate and assembly labor committees, the speaker of the assembly, and the president pro tempore of the senate, an evaluation of this program prepared by the department. Such evaluation shall be submitted every four years thereafter.

§ 2. This act shall take effect immediately.