

# 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:

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

3 § 45. Wage data clearinghouse. 1. The commissioner, subject to avail-  
4 able appropriations and in consultation with the commissioner of the  
5 education department and the state workforce investment board, shall  
6 establish a wage data clearinghouse. The purpose of the wage data  
7 clearinghouse shall be to use existing unemployment insurance data as  
8 described in section five hundred thirty-seven of this chapter and other  
9 available labor, education and workforce development data to evaluate  
10 the long-term effectiveness of workforce development and education  
11 programs and to identify gaps in the availability of existing and  
12 proposed workforce development training to meet employment needs, in  
13 addition, the clearinghouse shall conduct any other research it identi-  
14 fies as contributing to increasing the attainment of long-term employ-  
15 ment of residents of this state, especially those who are unemployed or  
16 underemployed.

17 2. The wage data clearinghouse shall be administered by an academic  
18 institution in the state of New York with proven expertise in analyzing  
19 labor data and shall be selected by the commissioner, in consultation  
20 with the commissioner of the education department and the state work-  
21 force investment board, through a request for proposals process. Crite-  
22 ria shall include, but not be limited to, the demonstrated ability of  
23 the chosen institution to analyze unemployment insurance and wage  
24 reporting data and to leverage and attract federal funds and non-govern-  
25 mental 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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1 selected academic institution for operating a wage data clearinghouse of  
2 up to six hundred thousand dollars, subject to appropriation. Any  
3 unused allocation may be made available in the subsequent fiscal year.

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

11 4. A statewide wage data clearinghouse advisory board is hereby estab-  
12 lished for the purpose of determining statewide objectives and the wage  
13 data clearinghouse's research and evaluation priorities after consulta-  
14 tion with the director of the wage data clearinghouse. The advisory  
15 board shall appoint a director with expertise in large data systems and  
16 data security with preference given to a candidate who has experience  
17 with workforce development. Such director shall receive an annual salary  
18 within amounts appropriated. (a) The advisory board shall consist of  
19 twelve members, including: the chancellor of the state university of New  
20 York, or such chancellor's designee; the commissioner of the state  
21 education department, or such commissioner's designee; the commissioner  
22 of the state department of labor, or the commissioner's designee; a  
23 representative of superintendents of schools, appointed by the governor;  
24 a representative of a district superintendents of schools, appointed by  
25 the governor; a representative of community colleges, appointed by the  
26 governor; and, six members of the public, including three appointed by  
27 the speaker of the assembly and three appointed by the president pro  
28 tempore of the senate. The public members of the advisory board shall  
29 have expertise in large data systems and data security, workforce devel-  
30 opment programs, economic development, business management and/or organ-  
31 ized labor. (b) The members of the advisory board shall receive no  
32 compensation for their services, but shall be allowed their actual and  
33 necessary expenses incurred in the performance of their duties pursuant  
34 to this section, subject to the approval of the department. (c) Advisory  
35 board members who represent state agencies shall be appointed for terms  
36 of three years, and members who represent local governments shall serve  
37 terms of two years and all other members shall serve terms of four  
38 years. Vacancies shall be filled in the same manner as original appoint-  
39 ments for the remainder of the unexpired term. (d) Advisory board  
40 members shall each be granted voting rights and will together elect a  
41 chair whose designation shall be made bi-annually. (e) The advisory  
42 board shall meet at such times and places as may be determined by its  
43 chair. The advisory board shall meet at a minimum of six times in the  
44 first year and a minimum of three times per year thereafter. All meet-  
45 ings shall be open to the public pursuant to article seven of the public  
46 officers law. A majority of the members of such council shall constitute  
47 a quorum for the transaction of business. (f) After consultation with  
48 the director, the advisory board shall discuss and vote on research  
49 priorities and topics for the clearinghouse that do not duplicate any  
50 research or statistics the department undertakes and that focus on the  
51 need of the users of the analysis, which are state and local policy  
52 makers, educational entities, workforce development providers, busi-  
53 nesses, and economic development administrators.

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

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

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

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

18 § 2. This act shall take effect immediately.