STATE OF NEW YORK

3329

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to the convening of a human services employee wage board

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 article 19-E to read as follows:

ARTICLE 19-E
HUMAN SERVICES EMPLOYEES

Section 697. Statement of public policy.
697-a. Definitions.
697-b. Human services employee wage board.

§ 697. Statement of public policy. The legislature hereby finds and declares that there are persons employed by human services providers in the state of New York at wages insufficient to provide adequate maintenance for themselves and their families.

Human services workers are essential to the state and localities' ability to assist new yorkers confronting a range of social challenges. To achieve cost savings, government has transferred most legally mandated human services for New Yorkers to nonprofits and in turn have created massive pay disparities within the field. Government is not just the predominant funder of human services in New York, it is also the main driver of human services salaries as it directly sets salary rates on contracts or does so indirectly by establishing costs for a unit or service, along with required staffing on a contract.

Nonprofits contracted to provide human services are not only provided insufficient funding to pay their employees, but are met with chronic delays in payment, underfunding, and a lack of sincere collaboration to

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

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create meaningful and lasting interventions. Between two thousand eight and two thousand eighteen, the state cut human services funding by twenty-six percent, with lower rates now than in nineteen hundred eighty. These contracting practices have created extreme pay disparities where human services workers make on average seventy-one percent of what government employees make, and eighty-two percent of what private sector workers receive.

The pay disparities in the human services sector also have important consequences for race and gender equity. The human services provider workforce of nearly eight hundred thousand people is overwhelmingly female (sixty-six percent), over two-thirds are full-time workers of color (sixty-eight percent), and nearly half (forty-six percent) are women of color. The majority (sixty-three percent) have a four year college degree or better; yet they make about twenty thousand dollars a year less than a public sector worker with a comparable education.

Government savings are being borne on the backs of low-income neighborhoods and black, indigenous, and people of color (BIPOC) communities who get reduced services and a workforce that is predominantly made up of women and people of color who are paid poverty-level wages. The relatively low pay in the core human services sector means that fifteen percent of all workers (both full- and part-time) qualified for food stamps in two thousand sixteen through two thousand eighteen.

A human services employee wage board is necessary to investigate the pay disparities between government employees and employees of contracted human services providers and develop recommendations on adequate and equitable wages.

§ 697-a. Definitions. As used in this article:

1. "Human services" shall mean any service provided to individuals or groups of individuals, for the purpose of improving or enhancing such individuals' health and/or welfare, by addressing social problems including but not limited to: domestic violence, teenage pregnancy, migrant health problems, child abuse, nutritional deficiencies, suicide, hunger, unemployment, lack of suitable shelter, crime, drug and alcohol abuse, environmental justice, and poverty.

2. "Human services provider" shall mean any: (a) not-for-profit or charitable organization, or (b) local agency as defined in subdivision three of this section, that (i) contracts with any state agency or other public entity, as defined in subdivisions four and five of this section to provide human services as defined in subdivision one of this section, or (ii) directly or indirectly receives any public funds to provide or contract with third persons to provide human services for the benefit of the general public or specific client groups.

3. "Local agency" shall include all county, city, town and village governing bodies, all other public corporations, special districts and school districts in the state.

4. "State agency" shall include any department, division, board, bureau, commission, office, agency, authority or public corporation of the state.

5. "Public entity" shall mean any local agency as defined in subdivision three of this section and any state agency as defined in subdivision four of this section.

§ 697-b. Human services employee wage board. 1. Membership. The commissioner shall hereby convene a human services employee wage board. The wage board shall be comprised of twelve members: three human services employees, three human services providers, three coalitions representing human services providers, and three members appointed by

the commissioner, who shall be selected from the general public and one of whom shall be designated as chairperson. The wage board shall hold its first hearing no later than March first, two thousand twenty-three. The members of the board shall not receive a salary or other compensation, but shall be paid actual and necessary traveling expenses while engaged in the performance of their duties.

2. Organization. Two-thirds of the members of the board shall constitute a quorum. The chairperson may from time to time formulate rules governing the manner in which the wage board shall function and perform its duties under this article.

3. Powers. The wage board shall have power to conduct public hearings. The board may also consult with human services providers and human services employees, and their respective representatives, in the occupation or occupations involved, and with such other persons, including the commissioner, the commissioner of children and family services, the commissioner of temporary and disability assistance, the commissioner of addiction services and supports, the director of the state office for the aging, the commissioner of people with developmental disabilities, the commissioner of mental health, the commissioner of health, and the deputy secretary for human services and mental hygiene, as it shall determine. The board shall also have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, and the production of all books, records, and other evidence relative to any matters under inquiry. Such subpoenas shall be signed and issued by the chairperson of the board and shall be served and have the same effect as if issued out of the supreme court. The board shall have power to cause depositions of witnesses residing within or without the state to be taken in the manner prescribed for like depositions in civil actions in the supreme court. The board shall not be bound by common law or statutory rules of procedure or evidence.

4. Public hearings. Within forty-five days of the appointment of the wage board, the board shall conduct public hearings. The wage board shall only meet within the state and shall hold at least three hearings at which the public will be afforded an opportunity to provide comments. At least one Spanish language interpreter shall be present at each public hearing to interpret oral testimony delivered in Spanish. Where a witness requests in advance of such hearing an interpreter in a language other than Spanish, including but not limited to sign language, an interpreter in that language shall be provided. Any materials advertising such hearings shall be bilingual in English, Spanish, and other languages commonly spoken by human services employees in the geographic region of the hearing. Any written materials disbursed at the hearing or subsequent to the hearing, including written testimony and hearing transcripts, shall be available in English, Spanish, and any other language upon request and shall be made available in a format accessible to those with visual disabilities upon request. Any visual materials presented at the hearing or subsequent to the hearing shall be made available in a format accessible to those with visual disabilities upon request.

5. Report. The wage board shall make a report to the governor and the legislature. Such report shall be published contemporaneously on the website of the department. The report and recommendations of the board shall be submitted only after a vote of not less than a majority of all its members in support of such report and recommendations. Such report shall be submitted no later than December thirty-first, two thousand twenty-three.

6. Considerations. The wage board shall consider the pay disparities between human services employees and government and private sector employees performing the same duties, fringe benefits and other employee benefits, human services employee wages relative to the federal poverty guidelines, the impact of cost of living on human service employee wages, and recommendations for wages that would provide for adequate maintenance and to protect the health of human services employees.

7. Commissioner's actions. The commissioner shall comply with section six hundred fifty-six of this chapter upon receipt of the wage board's recommendations. The commissioner may reconvene the same wage board or appoint a new wage board in compliance with section six hundred fifty-nine of this chapter.

§ 2. This act shall take effect immediately.