

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:

1 Section 1. The labor law is amended by adding a new article 19-E to
2 read as follows:

3 ARTICLE 19-E
4 HUMAN SERVICES EMPLOYEES

5 Section 697. Statement of public policy.

6 697-a. Definitions.

7 697-b. Human services employee wage board.

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

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

21 Nonprofits contracted to provide human services are not only provided
22 insufficient funding to pay their employees, but are met with chronic
23 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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1 create meaningful and lasting interventions. Between two thousand eight
2 and two thousand eighteen, the state cut human services funding by twenty-
3 six percent, with lower rates now than in nineteen hundred eighty.
4 These contracting practices have created extreme pay disparities where
5 human services workers make on average seventy-one percent of what
6 government employees make, and eighty-two percent of what private sector
7 workers receive.

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

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

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

27 § 697-a. Definitions. As used in this article:

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

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

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

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

49 5. "Public entity" shall mean any local agency as defined in subdivi-
50 sion three of this section and any state agency as defined in subdivi-
51 sion four of this section.

52 § 697-b. Human services employee wage board. 1. Membership. The
53 commissioner shall hereby convene a human services employee wage board.
54 The wage board shall be comprised of twelve members: three human
55 services employees, three human services providers, three coalitions
56 representing human services providers, and three members appointed by

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

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

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

31 4. Public hearings. Within forty-five days of the appointment of the
32 wage board, the board shall conduct public hearings. The wage board
33 shall only meet within the state and shall hold at least three hearings
34 at which the public will be afforded an opportunity to provide comments.
35 At least one Spanish language interpreter shall be present at each
36 public hearing to interpret oral testimony delivered in Spanish. Where a
37 witness requests in advance of such hearing an interpreter in a language
38 other than Spanish, including but not limited to sign language, an
39 interpreter in that language shall be provided. Any materials advertis-
40 ing such hearings shall be bilingual in English, Spanish, and other
41 languages commonly spoken by human services employees in the geographic
42 region of the hearing. Any written materials disbursed at the hearing or
43 subsequent to the hearing, including written testimony and hearing tran-
44 scripts, shall be available in English, Spanish, and any other language
45 upon request and shall be made available in a format accessible to those
46 with visual disabilities upon request. Any visual materials presented at
47 the hearing or subsequent to the hearing shall be made available in a
48 format accessible to those with visual disabilities upon request.

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

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

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

13 § 2. This act shall take effect immediately.