

STATE OF NEW YORK

5753

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law and the state finance law, in relation to creating the statewide childcare workforce living wage fund to improve workforce conditions for employees of childcare services and programs; and making an appropriation for services related to improving workforce conditions for employees of childcare services and programs authorized to receive funding from the statewide childcare workforce living wage fund

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

1 Section 1. Section 153-k of the social services law is amended by
2 adding a new subdivision 13 to read as follows:

3 13. (a) To the extent that monies are made available to the commis-
4 sioner of the office of children and family services from the statewide
5 childcare workforce living wage fund established pursuant to section
6 ninety-seven-bbbbb of the state finance law, the office of children and
7 family services is authorized to conduct activities to improve workforce
8 conditions for the employees of eligible childcare services and
9 programs. Priority shall be given to programs and providers of family
10 day care and home-based care.

11 (b) The office of children and family services shall create and make
12 widely available a consolidated application for the statewide childcare
13 workforce living wage fund no later than June first, two thousand twen-
14 ty-three. Eligibility for the first round of payments shall be deter-
15 mined by July fifteenth, two thousand twenty-three. First round of
16 payments to providers who filed applications on or before July first,
17 two thousand twenty-three will be made by August fifteenth, two thousand
18 twenty-three to provide compensation. All providers and programs
19 approved for grants pursuant to this subdivision shall be provided

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

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1 twelve monthly grant payments, or monthly grant payments until funds are
2 exhausted, whichever the former.

3 § 2. The state finance law is amended by adding a new section 97-bbbbb
4 to read as follows:

5 § 97-bbbbb. Statewide childcare workforce living wage fund. 1. There
6 is hereby established in the joint custody of the state comptroller and
7 the commissioner of taxation and finance a fund to be known as the
8 statewide childcare workforce living wage fund.

9 2. The statewide childcare workforce living wage fund shall consist of
10 moneys appropriated, credited or transferred thereto from any other fund
11 or source.

12 3. Moneys of the statewide childcare workforce living wage fund, shall
13 be made available to the commissioner of the office of children and
14 family services for activities to improve workforce conditions for the
15 employees of eligible childcare services and programs which may include,
16 but not be limited to, salary increases, workforce retention bonuses and
17 recruitment bonuses, indirect costs associated with implementing salary
18 increases and bonuses, costs associated with employee health and fringe
19 benefits and may also include, provider pay if a provider's pay is below
20 twice the minimum wage set forth in article nineteen of the labor law.

21 4. The office of children and family services shall submit a report to
22 the governor and the legislature by January thirty-first, two thousand
23 twenty-four and annually thereafter detailing all expenditures made from
24 the statewide childcare workforce living wage fund during the previous
25 year, and the office's priorities for allocating funds from the state-
26 wide childcare workforce living wage fund for the current year.

27 § 3. 1. The sum of one billion dollars (\$1,000,000,000), or so much
28 thereof as may be necessary, is hereby appropriated out of any moneys in
29 the general fund to the credit of the office of children and family
30 services, which are necessary for services and benefits necessary to
31 implement projects and purposes authorized to receive funding from the
32 statewide childcare workforce living wage fund pursuant to section
33 97-bbbbb of the state finance law.

34 2. Such moneys shall be payable on the audit and warrant of the state
35 comptroller on vouchers certified or approved in the manner prescribed
36 by law.

37 § 4. The office of children and family services shall immediately
38 establish rules and regulations for the timely implementation of the
39 provisions of this act.

40 § 5. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after April 1, 2023; provided,
42 however, that the amendments to section 153-k of the social services law
43 made by section one of this act shall not affect the repeal of such
44 section and shall be deemed to repeal therewith.