STATE OF NEW YORK

5567

2025-2026 Regular Sessions

IN SENATE

February 25, 2025

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

AN ACT to amend the labor law, in relation to establishing the human services wage commission

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

Section 1. This act shall be known and may be cited as the "human services wage commission act".

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

ARTICLE 19-E

HUMAN SERVICES WAGE COMMISSION

Section 697. Legislative findings and purpose.
697-a. Definitions.
697-b. Establishment of the human services wage commission.
697-c. Powers and duties of the commission.
697-d. Reporting.
697-e. Rules and regulations.
697-f. Severability.

§ 697. Legislative findings and purpose. The legislature hereby finds and declares that the wages paid to employees in human service occupations are often insufficient to provide adequate maintenance and to protect the health of the employee. Therefore, it is necessary to establish a human services wage commission to investigate and address wage disparities in the human services sector.

§ 697-a. Definitions. For purposes of this article, the following terms shall have the following meanings:

1. "Commission" means the human services wage commission established pursuant to this article.

2. "Human services worker" means any employee that is employed by a human services provider agency that provides direct hands-on supports

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

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and/or services to people or groups of people receiving services in programs licensed, certified, or funded by the state and whose base annual wage is not more than eighty-five thousand dollars per year.

3. "Human services provider agency" means an entity that is licensed, certified, or funded by the office of mental health, office for people with developmental disabilities, office of addiction services and supports, office for the aging, department of health, office of temporary and disability assistance, or the office of children and family services to provide services to individuals for which such agencies are licensed, certified, or funded.

§ 697-b. Establishment of the human services wage commission. 1. There is hereby established within the department the human services wage commission.

2. The commission shall consist of the following members:

(a) the commissioner;

(b) the commissioner of the office of children and family services;

(c) the commissioner of the office of temporary and disability assistance;

(d) the commissioner of the office of addiction services and supports;

(e) the director of the office for the aging;

(f) the commissioner of the office for people with developmental disabilities;

(g) the commissioner of the office of mental health;

(h) the commissioner of the department of health;

(i) the deputy secretary for human services and mental hygiene; and

(j) not more than ten representatives of employers in the human services sector and an equal number of human service workers that shall be recommended by the governor, the temporary president of the senate, and the speaker of the assembly.

3. The commissioner shall be tasked with appointing the members of the commission and shall be required to designate the chair of the commission.

4. The commissioner may create rules to govern the manner in which the commission shall function.

§ 697-c. Powers and duties of the commission. 1. The commission shall be authorized to investigate whether the wages paid to human services workers are sufficient to provide adequate maintenance and to protect the health and welfare of employees.

2. The commission shall hold public hearings and invite written and oral testimony from stakeholders, including but not limited to employees, employers, and other stakeholders.

3. The commission shall have the power to conduct public hearings, consult with employers, employees, state, federal, and local agencies, and other persons it deems necessary.

4. The commission shall have the authority to administer oaths, compel testimony by subpoena, and perform depositions of witnesses similar to the manner used in civil actions.

5. The commission shall not be bound by common law or statutory rules of procedure or evidence.

§ 697-d. Reporting. 1. The commission shall submit a preliminary report of its findings and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly within one hundred twenty days of the appointment of its members. Such findings and recommendations shall at a minimum include an analysis of the impact of the fiscal and social implications of the recommended wages for human service workers.

2. Such preliminary report shall include specific recommendations about wages for the identified titles of human services workers and shall take into consideration wage compression, regional adjustments and other factors that the commission deems necessary and appropriate. Further, such preliminary report shall provide an implementation plan to phase in such recommendations over a period of time that is no longer than five years.

3. Following the issuance of the report and recommendations, for human services workers employed by provider agencies in Medicaid-funded programs, the department shall consult with the Centers for Medicare & Medicaid Services prior to issuing the final report and implementation plan to ensure federal financial participation and shall conduct an actuarial analysis of rates, to ensure rate adjustments to support increases in wages in the implementation of the recommendations.

4. The final report and implementation plan shall be issued no later than March thirty-first, two thousand twenty-six.

5. The reports shall be made available to the public on the department's website.

6. The commission shall be prohibited from submitting any report without first holding a majority vote from the panel.

7. The commissioner may extend the reporting time up to ninety days, if necessary.

§ 697-e. Rules and regulations. The commissioner shall promulgate rules and regulations necessary for the implementation of this article.

§ 697-f. Severability. If any provision of this article or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end, the provisions of this article are severable.

§ 3. This act shall take effect immediately.