



**New York State Assembly**

**Sheldon Silver**  
Speaker



# 2013

## ANNUAL REPORT

Committee on  
**Labor**

**Carl E. Heastie**  
Chair





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CHAIRMAN  
Committee on Labor

COMMITTEES  
Ways & Means  
Corporations, Authorities & Commissions  
Housing  
Education

December 15, 2013

The Honorable Sheldon Silver  
Speaker of the Assembly  
Room 932 – Legislative Office Building  
Albany, New York 12248

Dear Speaker Silver,

I am pleased to submit the 2013 Annual Report of the Assembly Standing Committee on Labor. During the 2013 legislative session, 225 bills were referred to the Committee, several of which were subsequently enacted among the Chapter Laws of 2013.

The Committee reported 37 bills which included proposals seeking to amend the Labor Law as it relates to: raising the statutory minimum wage in New York State; providing compensation guarantees for independent contractors; preventing misclassification of employees; the "Farmworkers Fair Labor Practices Act"; enacting the "New York State Fair Pay Act"; and, strengthening the ability of the Department of Labor (DOL) to enforce the state's prevailing wage laws.

The most significant achievement of the Labor Committee this year was the enactment of an increase to the minimum wage. Under your leadership, raising the minimum wage has been a priority of the Labor Committee and I am pleased that our efforts led to an increase to \$9.00 an hour over the next three years. A minimum wage of \$7.25 is far from sufficient to afford life's simplest necessities, let alone a desirable standard of living. Assembly bill 38-A was advanced to make it clear that hard-working citizens cannot live in New York State on \$7.25 an hour. The bill would have raised the statutory minimum wage to \$9.00 an hour and the cash wage for food service workers to \$6.21. Beginning on January 1, 2015, and annually thereafter on such date, both wages would be indexed for inflation. After being reported from Committee, A.38-A (Wright) went on to pass the Assembly amidst overwhelming support for the plight of the low-wage workers in our state who are struggling against tremendous obstacles to make ends meet. The Committee's steadfast commitment to increasing the minimum wage led to increases that were secured in the 2013-14 enacted budget. The minimum wage will be increased incrementally to \$9.00 by 2015, with the first increase taking place on December 31, 2013 to \$8.00 per hour; \$8.75 an hour on December 31, 2014, and \$9.00 an hour on December 31, 2015.

The 2013-14 enacted budget also included vital reforms to the state's unemployment insurance and workers' compensation systems. Most significantly, unemployment insurance benefits were increased for the first time in over a decade and the minimum workers' compensation benefit was also increased. Additionally, the workers' compensation assessment process was modified to provide a uniform, single

assessment which will produce savings for employers without interrupting the payment of claims. The enacted budget further provided measures to return the unemployment trust fund to solvency, thereby providing stability for employers and peace of mind for those seeking employment.

Another notable achievement of the 2013 legislative session was the passage of the "Farmworkers Fair Labor Practices Act." Farmworkers perform critically important, arduous labor but unfortunately do not receive the same labor protections as other workers. Assembly bill 1792-A (Nolan) would enact a comprehensive farm worker reform statute designed to place farm workers on par with other workers. The bill would grant farm laborers a day of rest each week, disability insurance coverage, overtime pay, unemployment coverage and the right to collectively bargain. The bill was reported from the Labor Committee and went on to pass the Assembly.

Under your leadership, the Labor Committee stands ready to meet the upcoming 2014 legislative session with a continued commitment to policies that advance the lives of working families. I would like to thank the members of the Labor Committee for their hard work and dedication to the workforce that drives New York State, and to you, Mr. Speaker, for your leadership and your unwavering commitment to the people of this great state.

Sincerely,

A handwritten signature in cursive script that reads "Carl E. Heastie". The signature is written in black ink and is positioned to the right of the typed name.

Carl E. Heastie  
Member of Assembly

**2013 ANNUAL REPORT**  
**OF THE**  
**NEW YORK STATE ASSEMBLY STANDING COMMITTEE ON LABOR**

**HON. CARL HEASTIE, CHAIR**

**COMMITTEE MEMBERS**

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Michael R. Benedetto  
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Barbara M. Clark  
William Colton  
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Andrew D. Hevesi  
Brian P. Kavanagh  
Margaret M. Markey  
Shelley Mayer  
Michael Miller  
Joan L. Millman  
Francisco P. Moya  
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N. Nick Perry  
Samuel Roberts  
Robert J. Rodriguez  
Nilly Rozic  
James Skoufis  
Kenneth Zebrowski

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Clifford W. Crouch  
Brian F. Curran  
David J. DiPietro  
Michael J. Fitzpatrick  
Edward P. Ra  
Annie Rabbitt  
Joseph S. Saladino

**Staff**

Jennifer Best, Assistant Secretary for Program and Policy  
John Svare, Associate Counsel  
Najay Roache, Analyst  
Daniel Wynn, Committee Assistant  
Paul Upton, Committee Clerk  
Sarah Conklin, Administrative Assistant

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- INTRODUCTION -

Each session the Standing Committee on Labor considers legislation relevant to the working people and businesses of New York State. The Committee is responsible for protecting fundamental workers' rights such as the minimum wage, a safe workplace, the ability to organize, and a day of rest. The legislation considered impacts not only the lives and livelihood of New York's workers, but often affects the overall economy. In 2013, there were 225 bills referred to the Committee, of which 37 were reported; 23 passed by the Assembly; 10 passed both houses of the legislature; 6 were chaptered; and 4 were vetoed by the governor.

The Committee considers bills from a number of sources including Members of the Assembly, the governor's program bills and departmental bills introduced at the request of the Department of Labor, the Workers' Compensation Board, and the State Insurance Fund. Many of these bills address administrative issues which allow these departments and the programs they oversee to run more efficiently. Others allow for stronger regulations and enforcement of current law in order to strengthen protections for workers.

The Committee also generates bills at the request of constituents, collective bargaining organizations, think-tanks as well as classifications or groups of workers. A representative sample of the legislative proposals acted upon this year included consideration of a bill that expands prevailing wage protections for service workers, a bill that grants independent contractors the same compensation guarantees as traditional employees, and a bill that strengthens the state's whistleblower laws.

During budget negotiations, the Committee works with the staff of the Ways and Means Committee in order to provide funding for numerous programs and initiatives. The 2013-14 enacted budget also included major legislative reforms, including most significantly an increase to the minimum wage. Raising the minimum wage has been a priority of the Assembly Majority as well as the Labor Committee. The budget also included important reforms to the unemployment insurance and workers' compensation insurance systems as well as funding for programs to improve the quality of life of New York State's workers.

The Committee holds hearings each year on important issues that affect the state workforce. These hearings serve as a sounding board wherein professionals, academics, workers, businesses and other

constituents provide testimony to Members of the Assembly. This year the Committee participated in a series of roundtable discussions to evaluate access to quality, affordable child care. The Committee also conducted a hearing on the Wage Theft Prevention Act to examine its implementation. The Committee considered whether the Act has protected workers from nonpayment and underpayment of wages, whether the enhanced enforcement mechanisms have been fully utilized by the Department of Labor, and what challenges employees have faced since the Act's enactment.

Moving forward, the Committee remains steadfast in its position of ensuring the rights of working people as well as strengthening government processes and protections for New York's workforce.

- 2013-14 BUDGET -

The Committee worked diligently on several significant legislative reforms in the SFY 2013-14 budget. Several labor-related provisions were negotiated that provide more income for employees, including increased unemployment insurance benefits for out of work employees, and reforms to the Workers' Compensation system ensuring that injured workers receive important benefits.

**MINIMUM WAGE INCREASED (Chapter 57 of 2013, Part P, A.3007-D/ S.2607-D – Budget)**

The Committee has been a longstanding champion of the right of a worker to earn a dignified wage and the Committee's unwavering efforts over the past few years led to increases to the minimum wage in the 2013-14 enacted budget. Specifically, the 2013-2014 enacted budget requires an increase to the minimum wage to \$9.00 per hour by 2015. The increase will be achieved in three incremental steps: the first increase scheduled on December 31, 2013 to \$8.00 per hour; the second increase to \$8.75 per hour on December 31, 2014; and the third increase to \$9.00 per hour on December 31, 2015.

**UNEMPLOYMENT INSURANCE REFORMS (Chapter 57 of 2013, Part O, A.3007-D/ S.2607-D – Budget)**

Unemployment Insurance (UI) is designed as a safety net to workers who lose their jobs and are ready, able and willing to work. UI benefits help workers meet their basic needs. Prior to the reforms enacted in the 2013-2014 enacted budget, the system faced two predominant problems: the maximum benefit rate had not been modified since 2000 and was low when compared to the rest of the country; and the mechanism on which the benefit was funded was inadequate to such an extent that New York's UI trust fund was insolvent and was forced to borrow from the federal government. At the beginning of 2013, New York owed \$3.5 billion and employers are responsible for paying this amount back with interest.

The Committee was able to secure several vital reforms to the UI system that will assist unemployed New Yorkers and their families. Most significantly, the reforms included increases to the maximum weekly benefit from the current \$405 per week to 50% of the state's average weekly wage by October 2026. This important and long overdue increase will have a positive impact on the unemployed as well as the economy. To stabilize the UI trust fund, the enacted budget also increased employers' taxable wage base from \$8,500 to 16% of the state's average annual wage by 2027. The modifications to the taxable wage base along with the other reforms will help ensure that New York pays off the debt to the federal government swiftly, thereby reducing the interest payments employers make as a result of the borrowing.



Additionally, the Committee secured an expansion of the Self-Employment Assistance Program (SEAP) to assist unemployed citizens interested in starting their own business.

**WORKERS' COMPENSATION INSURANCE REFORMS (Chapter 57 of 2013, Part GG, A.3007-D/ S.2607-D – Budget)**

Workers' compensation insurance provides cash benefits and medical care for employees who become disabled as a result of disease or injury connected with their employment. It also provides payments for qualified dependents of a worker who dies from a compensable illness or injury. The total cost of these benefits is borne by the employer. The New York State Workers' Compensation Board is the agency charged with the administration and adjudication of claims and its administration is funded through assessments.

The enacted budget included reforms to streamline a cumbersome assessment process, produce savings for employers, and help resolve the dilemmas caused by the insolvency of group self-insurance trusts. Prior to the enacted reforms, the assessment methodology differed depending on the type of coverage secured, the assessment billed to insurers did not always align with the employers' surcharge, and the assessments were billed through up to 16 separate bills annually. The enacted budget creates a single, unified assessment methodology that simplifies the assessment system for employers. The legislation also closed the Re-opened Case Fund (or 25-a Fund) which will result in savings for employers and will not detrimentally impact injured workers. Additionally, the enacted budget authorizes the Dormitory Authority to issue up to \$900 million in bonds which will enable the Workers' Compensation Board to purchase assumption of liability policies to settle liability created by the defaults of group self-insurance trusts.

**MINIMUM WAGE**

In 1960, the New York State Legislature enacted the Minimum Wage Act to institute a state statutory minimum wage law and established that employment of New Yorkers at insufficient rates of pay threatens their health and well-being and injures the overall economy. Unfortunately, increases to the minimum wage over the years have not been sufficient to protect against the erosive nature of inflation. The Assembly Majority has been an unwavering advocate for raising the minimum wage and in 2012 the Assembly Majority introduced and passed legislation that would have raised the statutory minimum wage from \$7.25 to \$8.50 per hour and also raised the minimum cash wage for food service workers who receive tips from \$5.00 to \$5.86 per hour. Importantly, the measure required both wages to be indexed for inflation to prevent further erosion of New York minimum wage earners' purchasing power. This year, the Assembly Majority reintroduced the minimum wage proposal (A.38-A, Wright) and amended it to call for a wage floor of \$9.00 an hour and raise the minimum cash wage to \$6.21 an hour, while maintaining the indexing provisions. The Assembly passed this bill in early March.

**1. Significant legislation**

- (a) **A.38-A (Wright)** – this bill would raise the statutory minimum wage to \$9.00 an hour and the minimum cash wage for food service workers to \$6.21 an hour. Both wages would be indexed for inflation. (Passed Assembly)

## WAGE AND HOUR STANDARDS

One of the most important areas within the jurisdiction of the Committee is wage and hour standards. The New York State Department of Labor has enforcement authority over several provisions of the Labor Law relating to: the minimum wage; standards for hours of work; prevailing wage; child labor; farm labor; payment of wages and supplements; and working conditions. Each year, in its consideration of the many proposals submitted on these issues, the Committee strives to advance fair and balanced legislation that protects the safety and well-being of all workers. In 2013, the Committee reported several bills to expand wage and hour protections, eliminate discrimination in the workplace, ensure that workers receive the prevailing wage, and assist workers who need to take time away from work to care for a family member or provide important emergency services.

### **1. Significant Legislation:**

- (a) **A.7787 (Otis)/ S.5486 (Savino)** – this bill includes child performers who are employed as runway or print models under the protections afforded to other minors. (Chapter 411 of the Laws of 2013).
- (b) **A.1792-A (Nolan)/ S.1743 (Espailat)** – this bill would enact a comprehensive farm worker reform statute designed to place farm workers on par with other workers in New York State. The bill would grant farm laborers a day of rest each week, disability insurance coverage, overtime pay, unemployment coverage and the right to collectively bargain. (Passed the Assembly)
- (c) **A.5958 (Heastie)/ S.1491 (Krueger)** – this bill enacts the New York State Fair Pay Act and provides that it is an unlawful employment practice to discriminate between employees on the basis of sex, race, or national origin; and requires the Department of Labor to establish a job classification system which does not systematically undervalue the work of women or minorities. (Passed the Assembly)
- (d) **A.5472 (Silver)/ S.2556 (Golden)** – this bill provides certain independent contractors, or “freelance workers” with the wage and hour protections which other employees enjoy, including the ability of the Department of Labor to bring an action against an employer for the underpayment of a freelancer. (Passed the Assembly)
- (e) **A.3987 (Abbate)/ S.2860 (Savino)** – this bill would establish reciprocity for wage violations by requiring that whenever an entity has been debarred under the federal Davis-Bacon Act, such entity shall be barred from bidding on public works projects in New York for as long as their name is published in the federal list of debarred contractors. (Passed the Assembly)
- (f) **A.3901 (Glick)** -- this bill amends the Labor Law to allow employees to utilize accrued and available sick leave to provide care to their immediate family, members of household and domestic partners. (Reported to Ways & Means)
- (g) **A.5234 (Wright)/ S.1075 (Maziarz)** – this bill requires that whenever a municipality issues a permit to a utility company allowing them to excavate a public thoroughfare in order to perform

work beneath the street, the utility company must use competent workers and pay the prevailing wage. (Reported to Third Reading)

- (h) **A.7482-A (Camara)/ S.5338 (Savino)** – this bill expands prevailing wage protections to ensure that workers employed to provide service work for the benefit of public utilities are paid the prevailing wage. (Passed the Assembly)
- (i) **A.7696 (Wright)/ S.3715 (Savino)** – this bill applies prevailing wage requirements to contracts involving charter schools. (Reported to Third Reading)
- (j) **A.4099 (Thiele)/ S.1604 (Grisanti)** -- this bill authorizes leaves of absence for volunteer emergency service responders during the time that a declared state of emergency exists. (Veto message No. 274)
- (k) **A.5237-B (Wright)/ S.5867 (Savino)** – this bill reduces the prevalence of worker misclassification among persons performing commercial goods transportation services and provides that any person performing commercial goods transportation services for a commercial goods transportation contractor shall be presumed an employee unless the person is a separate business entity or meets established criteria. (Chapter 558 of the Laws of 2013)
- (l) **A.4810-A (Abbate)/ S.3564-A (Bonacic)** – this bill regulates the practice of job order contracting and requires that contracts have a defined scope of work, to include: limitation to one geographic region, a defined trade, and a detailed description of the work to be performed. (Veto message No. 259)

## UNEMPLOYMENT INSURANCE

Unemployment insurance (UI) was designed to serve as a financial safety net for workers who are ready, able and willing to work but who have lost their employment, through no fault of their own. This very important protection ensures that while searching for new employment opportunities, these individuals are able to meet their basic financial needs and protect the well-being of themselves and their families. In addition to the legislative reforms enacted in the budget, in 2013 the Committee considered legislation to strengthen the protections provided by unemployment insurance.

### **1. Significant Legislation:**

- (a) **A.7911-B (Rozić)/ S.5733-A (Savino)** – this bill authorizes the Department of Labor (DOL) to share wage reporting and unemployment data, upon the approval of an application submitted by any federal, state or local government agency or their agents/contractors; and limit the circumstances under which disclosure would be permitted for use. (Chapter 456 of the Laws of 2013)
- (b) **A.6635 (Heastie)/ S.4470 (Savino)** – this bill clarifies that offers of employment for subsequent academic terms which are contingent upon factors such as funding or enrollment shall not constitute "reasonable assurance" of continued employment and therefore shall not bar an employee from collecting unemployment insurance compensation while out of work. (Reported to Ways & Means)

## WORKERS' COMPENSATION

Workers' compensation insurance provides weekly cash benefits for employees who become disabled as a result of disease or injury connected with their employment and also covers the cost of medical treatment, including rehabilitation. It also provides payments for qualified dependents of a worker who dies from a compensable illness or injury. The total cost of these benefits is borne by the employer. The New York State Workers' Compensation Board is the agency charged with the administration and adjudication of claims. Each year, the Committee considers legislation that would facilitate the administration of claims while ensuring that injured workers are provided with treatment options that meet their needs. In addition to the legislation enacted in the budget, in 2013 the Committee considered several bills relating to the workers' compensation system.

### **1. Significant Legislation:**

- (a) **A.6358 (Wright)/ S.4234 (Savino)** – this bill clarifies existing law to ensure that domestic workers who work at least twenty hours per week are covered under the temporary disability benefits law (Passed the Assembly)
- (b) **A.3732 (Heastie) / S.4034 (Seward)** – this bill clarifies that payments from the State Insurance Fund are subject to pre-audit by the State Comptroller. (Passed the Assembly)
- (c) **A.2653 (Simotas) / S.1754 (Robach)** – this bill would prohibit an employer or insurance carrier from refusing to allow a claimant to utilize the pharmacy of their choice as long as such pharmacy's charges are below the pharmaceutical fee schedule adopted by the chair of the Workers' Compensation Board. (Passed the Assembly)
- (d) **A.5940-C (Bronson)/ S.3131-A (Martins)** – this bill authorizes the care and treatment of injured workers by licensed or certified acupuncturists. (Veto message No. 215)
- (e) **A.7293 (Zebrowski)/ S.3555 (Griffo)** -- this bill authorizes certified physical therapist assistants to provide treatment and care to injured workers under the Workers' Compensation Law. (Passed the Assembly)
- (f) **A.6559 (Wright)/ S.4090 (Savino)** -- this bill amends the Workers' Compensation Law to eliminate the termination of benefit payments to the surviving spouse of a deceased workers' compensation beneficiary, once such widow/widower has remarried. (Reported to Rules)
- (g) **A.5235 (Wright)/ S.4471 (Savino)** -- this bill requires that any testimony given in front of the Workers' Compensation Board must be recorded and transcribed by a stenographer in the employ of the board. (Veto message No. 208)
- (h) **A.7757 (Heastie) / S.5754 (Nozzolio)** – this bill requires that determinations made by the Workers' Compensation Board as to cause of injury, degree of disability and/or permanency of injury shall not be given preclusive effect in any other forum, court or proceeding. (Passed the Assembly)

## **OTHER SIGNIFICANT LEGISLATION**

### **ELEVATOR SAFETY**

**A.5233-B (Wright)/ S.2917-C (Bonacic)** -- this bill establishes guidelines and standards for the inspection and maintenance of elevators and other automated people moving devices and prescribes the required licenses and certifications for individuals that would be authorized to perform such work. (Passed the Assembly)

### **WHISTLEBLOWER PROTECTIONS**

**A.5696-A (Benedetto)/ S.3862-A (Klein)** – this bill expands anti-retaliation protections for employees who alert authorities to illegal business activities. (Passed the Assembly)

### **NEW YORK YOUTH WORKS TAX CREDIT**

**A.7928-A (Roberts)/ S.4762-A (Defrancisco)** -- reduces the number of hours of part-time work needed by certain employees in order for employers to qualify for the New York Youth Works tax credit from 20 to 10 hours. The program helps provide youth an opportunity to gain job skills and access to careers at an early age while also securing a qualified workforce for New York. (Chapter 536 of the Laws of 2013)

- PUBLIC HEARINGS -

On November 21, 2013, the Committee conducted a public hearing to examine the implementation of the Wage Theft Prevention Act (the Act) and to review challenges faced by employees since the Act was enacted. In 2010, the Legislature passed and the Governor signed the Act. This critically important legislation helps protect workers from wage and hour abuses by increasing penalties for wage underpayments, strengthening enforcement tools available to the Department of Labor, and enhancing anti-retaliation protections.

In view of the nearly three years that have passed since its adoption, the Committee wanted to evaluate how well the Act has accomplished its intended goals. The Committee heard from low-wage workers, union representatives, attorneys who represent workers, advocacy groups, research organizations, the Department of Labor and representatives from the business community. While the Act has provided vital statutory protections, the testimony unfortunately revealed that the issue of wage theft continues. Indeed, several workers testified about receiving wages less than the minimum wage, failing to receive overtime pay, and receiving wages that were far less than the hours worked. The Committee also heard testimony that the Department of Labor has a significant backlog of wage abuse cases, that workers are frustrated by the Department of Labor's response to their cases, and that additional resources should be provided to the Department of Labor to ensure rigorous and prompt enforcement.

The Department of Labor testified that recoveries for labor standards violations have increased since 2011 and that the Department has revamped its policies to ensure that it maintains aggressive and efficient enforcement. Specifically, the Department stated that, in an effort to expedite recoveries, the Department has implemented a three year look back period for most cases instead of six years. The Department also stated that it has referred more cases to compliance conference to expedite resolutions and has increased contact with claimants. According to the Department, by the end of the next fiscal year the Department will be in a position to complete investigations within six months of accepting a complaint.

Other witnesses focused on the need to strengthen enforcement mechanisms so that unscrupulous employers cannot avoid financial responsibility once a wage theft case has been initiated. The Committee heard that some employers dissipate their assets or dissolve their business to avoid paying wages owed to employees. Thus by the time an action has been filed and a judgment secured, the employer does not have any assets to satisfy the judgment. The witnesses recommended strengthening the law to ensure that victims of wage theft can secure payment from their employers including the ability to hold owners of the business personally liable for wage theft.

As the 2014 session approaches, the Committee will further consider the testimony and evaluate whether additional legislative action is required to combat wage theft.



- OUTLOOK FOR 2014 -

In 2014, the Committee will continue its efforts to protect the interests of the hardworking men and women of New York State. As the state continues to make strides toward economic recovery, the Committee will endeavor to advance legislation that meets the needs of all sectors of the workforce while fostering a balanced relationship between businesses and other employers. We will continue fighting to bring income security to low-wage workers across the state, work to strengthen whistleblower laws, champion anti-discrimination measures and support legislation that assists working families.

APPENDIX A

**2013 SUMMARY OF ACTION ON ALL BILLS  
REFERRED TO THE COMMITTEE ON LABOR**

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b>BILLS REPORTED WITH OR WITHOUT AMENDMENT</b>			
TO FLOOR; NOT RETURNING TO COMMITTEE	0	0	0
TO WAYS AND MEANS	10	0	10
TO CODES	24	0	24
TO RULES	3	0	3
TO JUDICIARY	0	0	0
TOTAL	37	0	37
<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>	0	0	0
<b>SENATE BILLS SUBSTITUTED OR RECALLED</b>			
SUBSTITUTED		4	4
RECALLED			
TOTAL		4	4
<b>BILLS DEFEATED IN COMMITTEE</b>	0	0	0
<b>BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE</b>	0	0	0
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	173	8	181
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	3	0	3
<b>MOTIONS TO DISCHARGE LOST</b>	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	213	12	225
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	8		

**APPENDIX B**

**2013 LABOR LEGISLATION ENACTED INTO LAW/ VETOED**

<b>Bill / Sponsor</b>	<b>Summary</b>	<b>Final Action</b>
A.4099 Thiele	Authorizes leaves of absence for volunteer emergency service responders during the time that a declared state of emergency exists.	Veto Memo 274
A.4810-A Abbate	Regulates the practice of job order contracting and requires that contracts have a defined scope of work, to include: limitation to one geographic region, a defined trade, and a detailed description of the work to be performed.	Veto Memo 259
A.5235 Wright	Requires that any testimony given in front of the Workers' Compensation Board must be recorded and transcribed by a stenographer in the employ of the board.	Veto Memo 208
A.5237-B Wright	Reduces the prevalence of worker misclassification among persons performing commercial goods transportation services and provides that any person performing commercial goods transportation services for a commercial goods transportation contractor shall be presumed an employee unless the person is a separate business entity or meets established criteria.	Chapter 558
A.5940-C Bronson	Authorizes licensed or certified acupuncturists to render care to injured workers and to be reimbursed for such services under the Workers' Compensation Law.	Veto Memo 215
A7294 Gjonaj	Modifies the additional fees charged when inspection fees for boilers and places of assembly are not paid in a timely manner.	Chapter 509
A.7664 Heastie	Allows the Public Employment Relations Board to treat cases arising under the State Employment Relations Act in the same manner as it treats cases arising under the Public Employment Labor Relations Act.	Chapter 148
A.7787 Otis	Includes child performers who are employed as runway or print models under the protections afforded to other minors.	Chapter 411
A.7911-B Rozic	Authorizes the Department of Labor (DOL) to share wage reporting and unemployment data, upon the approval of an application submitted by any federal, state or local government agency or their agents/contractors; and limit the circumstances under which disclosure would be permitted for use.	Chapter 456

A.7928-A Roberts	Reduces the number of hours of part-time work needed by certain employees in order for employers to qualify for the New York Youth Works tax credit from 20 to 10 hours.	Chapter 536
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**APPENDIX C**  
**2013 BILLS REPORTED BY THE LABOR COMMITTEE**

<b>Bill / Sponsor</b>	<b>Summary</b>	<b>Final Action</b>
A.38-A Wright	Provides that the state's minimum wage be \$9.00 per hour, and \$6.21 for food service workers and also require that beginning on January 1, 2015, the minimum wage shall be indexed to inflation.	Passed Assembly
A.443-B/ S.2434 Dinowitz/ Klein	Prohibits employers from requiring an employee or candidate for employment to disclose user id and passwords to access a personal account or service.	Reported to Third Reading
A.1174/ S.4134 Heastie/ Parker	Requires public and private employers to allow employees to view and copy their personnel files, if their employer maintains such a file.	Reported to Codes Committee
A.1180-A/ S.4676 Rosenthal/ Robach	Requires any private employer who utilizes electronic monitoring to provide written notice to employees, upon hire, informing them that they will be subject to such monitoring.	Reported to Third Reading
A.1697/ S.4111 Galef/ Stewart-Cousins	Reduces the prevalence of injuries among sanitation workers by requiring all employees to receive proper training with respect to the safety hazards that are associated with their duties.	Reported to Ways and Means Committee
A.1792-A/ S.1743 Nolan/ Espaillat	Implements a comprehensive farm worker reform statute designed to place farmworkers on par with other workers in New York State. The bill would grant farm laborers a day of rest, disability coverage, overtime pay, unemployment coverage and the right to collectively bargain.	Passed Assembly
A.2653/ S.1754 Simotas/ Robach	Prohibits an employer or insurance carrier from refusing to allow a claimant to utilize the pharmacy of their choice when filling a prescription as a claimant of Workers' Compensation benefits.	Passed Assembly
A.3732/ S.4034 Heastie/ Seward	Clarifies payments from the State Insurance Fund for the administrative expenditures of the Workers' Compensation Board are subject to pre-audit by the State Comptroller.	Passed Assembly
A.3901 Glick	Allows any employee who is granted leave under the provisions of the federal Family and Medical Leave Act to use their accrued and available sick leave for the care of a sick family member or domestic partner.	Reported to Ways and Means Committee
A.3987/ S.2860 Abbate/ Savino	Authorizes the restriction of certain entities that have been debarred for wage violations on Federal public works projects, from bidding on New York State public works contracts.	Reported to Third Reading
A.4099/ S.1604 Thiele/ Grisanti	Authorizes employees to request, and be granted, a leave of absence from their employer to engage in duties as a volunteer firefighter or ambulance squad member, following a state declaration of emergency or local state of emergency.	Veto Memo 274

A.4810-A/ S.3564-A Abbate/ Bonacic	Regulates the practice of job order contracting and requires that such contracts have a defined scope of work, to include: a) a limitation to one geographic region, b) a defined trade, and c) a detailed description of the work to be performed. The new requirements also provide that the cost of a job order contract may not exceed \$500,000.	Veto Memo 259
A.5224/ S.3597 Cusick/ Lanza	Allows a 1 hour extension of hours for 16 and 17 year old lifeguards, permitting them to work up to 5 hour shifts on days preceding a school day so long as they maintain good academic standing.	Passed Assembly
A.5233-B/ S.2917-C Wright/ Bonacic	Requires the licensing of persons engaged in the design, construction, operation, inspection, maintenance, alteration and repair of elevators.	Passed Assembly
A.5234/ S.1075 Wright/ Maziarz	Enacts the "Roadway Excavation Quality Assurance Act" to require that whenever a municipality issues a permit to a utility company allowing them to excavate a public thoroughfare in order to perform work beneath the street, the utility company must use competent workers and pay the prevailing wage.	Reported to Third Reading
A.5235/ S.4471 Wright/ Savino	Requires that any testimony given in front of the Workers' Compensation Board must be recorded and transcribed by a stenographer in the employ of the board. Veto Memo 208	Veto Memo 208
A.5237-B/S.5867 Wright/Savino	Reduces the prevalence of worker misclassification among persons performing commercial goods transportation services and provides that any person performing commercial goods transportation services for a commercial goods transportation contractor shall be classified as an employee unless the person is a separate business entity or the satisfaction of established criteria.	Chapter 558
A.5299-A/ S.2360-A Pretlow/ Klein	Allows duly licensed clinical social workers the ability to provide care and treatment to injured workers under the Workers' Compensation Law.	Reported to Ways and Means Committee
A.5472/ S.2556 Silver/ Golden	Grants independent contractors compensation guarantees and enables the Department of Labor to enforce wage violations involving independent contractors.	Passed Assembly
A.5696-A/ S.3862 Benedetto/ Klein	Expands whistleblower protections to employees who disclose an illegal business activity, and protects them against retaliatory action for disclosure of the activity.	Passed Assembly
A.5940-C/ S.3131 Bronson/ Martins	Authorizes licensed or certified acupuncturists to render care to injured workers and to be reimbursed for such services under the Workers' Compensation Law.	Veto Memo 215
A.5958/ S.1491 Heastie/ Krueger	Enacts the New York State Fair Pay Act and provides that it is an unlawful employment practice to discriminate between employees on the basis of sex, race, or national origin; and require the Department of Labor to establish a job classification system which	Passed Assembly

	does not systematically undervalue the work of women or minorities.	
A.6358/ S.4234 Wright / Savino	Clarifies existing law to ensure that domestic workers who work at least twenty hours per week and meet the duration of employment standard of four weeks are covered under the temporary disability benefits law.	Passed Assembly
A.6559/ S.4090 Wright/ Savino	Amends the Workers' Compensation Law to eliminate the termination of benefit payments to the surviving spouse of a deceased workers' compensation beneficiary, once such widow/widower has remarried.	Reported to Rules Committee
A.6634/ S.1114-A Wright/ Maziarz	Requires the chair of the Workers' Compensation Board to consult with interested parties and establish a fee schedule for the purpose of reimbursing licensed massage therapists providing services to worker's compensation claimants.	Reported to Rules Committee
A.6635/ S.4470 Heastie/ Savino	Clarifies that offers of employment, for subsequent academic terms which are contingent upon factors such as funding or enrollment shall not constitute "reasonable assurance" of continued employment and not bar an employee from collecting unemployment insurance compensation.	Reported to Ways and Means Committee
A.7109 Moya	Enacts the "regional labor protection act of 2013", which requires the use of local laborers on public works projects during periods of high unemployment.	Reported to Codes Committee
A.7293/ S.3555 Zebrowski/ Griffo	Authorizes a duly licensed physical therapist assistant to render care to injured workers and allow these practitioners to be reimbursed for services provided under the Workers' Compensation Law.	Passed Assembly
A.7294/ S.4953 Gjonaj/ Savino	Modifies the additional fees charged when inspection fees for boilers and places of assembly are not paid in a timely manner.	Chapter 509
A.7482-A/ S.5338 Camara/ Savino	Ensures that workers employed to provide service work for the benefit of public agencies are paid the prevailing wages to which the law entitles them.	Passed Assembly
A.7664/ S.4249 Heastie/ Golden	Allows the Public Employment Relations Board (formerly the State Employment Relations Board) to treat cases arising under the State Employment Relations Act in the same manner it treats cases arising under the Public Employment Labor Relations Act.	Chapter 148
A.7696/ S.3715 Wright/ Savino	Enacts the "charter schools construction fair wages act" and applies prevailing wage requirements to contracts involving charter schools.	Reported to Third Reading
A.7757-A/ S.5754 Heastie/ Nozzolio	Ensures the right of injured workers to exercise their constitutional right to a trial by jury and bars a court or other forum from granting	Passed Assembly

	preclusive effect to decisions by the Workers' Compensation Board regarding cause of injury, degree of disability, lost earnings, need for future medical care or permanency of injury.	
A.7787/ S.5486 Otis/ Savino	Protects the well-being of children employed as runway or print models under the protections afforded to other minors, which include but are not limited to, those employed as an actor, actress, dancer, musician, comedian, singer, stunt person, or other performer or entertainer.	Chapter 411
A.7901 Kim	Relates to the establishment of a fee schedule covering the costs of ambulance services provided to injured employees.	Reported to Rules Committee
A.7911-B/ S.5733-A Rozic/ Savino	Authorizes the Department of Labor (DOL) to share wage reporting and unemployment data, upon the approval of an application submitted by any federal, state or local government agency or their agents/contractors; and limit the circumstances under which disclosure would be permitted for use.	Chapter 456
A.7928-A/ S.4762 Roberts/ DeFransisco	Reduces from 20 to 10, the number of hours of part-time work needed by employees for employer qualification for the New York youth works tax credit.	Chapter 536