

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



# 2014 ANNUAL REPORT



Committee on  
**Labor**

*Carl E. Heastie, Chair*



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Committee on Labor

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December 15, 2014

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 2014 Annual Report of the Assembly Standing Committee on Labor. During the 2014 legislative session, 252 bills were referred to the Committee, several of which were subsequently enacted into the Chapter Laws of 2014.

The Committee reported 41 bills which included proposals seeking to amend the Labor Law ensuring that employees and their beneficiaries have appropriate access to workers' compensation, extending the prevailing wage to additional workers, and ensuring that certain workers who separate from employment due to child care obligations are not denied unemployment insurance benefits if otherwise qualified.

One of the most significant achievements of the Labor Committee this year was the passage of a bill to provide for paid family leave. Some employees are entitled to leave for family care under the federal Family Medical Leave Act (FMLA), but this leave is unpaid, and roughly 40 percent of all workers in the United States are not eligible for such leave. This bill would expand New York's temporary disability benefits program to provide employees with up to 12 weeks of paid leave for family care, including bonding with a newborn or adopted child and caring for a family member who is suffering from a serious health condition. This bill would ensure that workers who cannot afford to take unpaid leave have the option to care for their families while remaining connected to the workforce. This bill was reported from the Labor Committee and went on to pass the Assembly.

Another notable achievement was the passage of a bill to ensure that partially unemployed workers have appropriate access to unemployment insurance benefits. This bill would modify the way that unemployment insurance benefits are calculated when a claimant is partially employed. It would base partial unemployment insurance benefits on a claimant's actual part-time earnings, instead of penalizing the claimant with a 25 percent benefit reduction for each day worked regardless of the amount of time worked or wages earned. Using the new calculation, these claimants would see a decrease in their UI benefit that is proportionate to the wages they earn. This new calculation would remove the penalty that workers face when attempting to become gainfully employed after a break in employment and would further reduce the pressure on the trust fund. This bill was reported from the Labor Committee and went on to pass the Assembly.

Another success of the 2014 legislative session was the enactment of additional protections for employees against wage theft (Chapter 537). The Wage Theft Prevention Act of 2010 provided the Department of Labor with the tools necessary to ensure that workers across the State of New York are paid the wages to which they are entitled. However, many employees are still vulnerable to wage theft. This bill repeals the annual notice enacted in the Wage Theft Prevention Act of 2010 and ensures that all New York workers receive the wages they have rightfully earned by increasing penalties for violations of wage payment provisions, making certain members of limited liability companies responsible for wage debts, and providing for contractor accountability.

The Labor Committee is also proud to report the passage by both houses of a bill to safeguard the public by providing that only licensed, trained professionals assess, and remedy mold. After storms like Hurricane Sandy ravaged parts of New York with massive flooding, there is an increasing public health risk associated with mold growth in residential and commercial buildings. Further, many homeowners were unable to access skilled mold laborers. In order to minimize public health risks posed by mold in public and private buildings and to avert economic injury to the property owners of this state, the Assembly sought to license persons and companies that hold themselves out to the public as qualified to perform mold-related services. This bill would establish three separate licenses and minimum work standards for mold assessment, remediation, and abatement. Lastly, this bill would also establish a mold assessment and remediation account, which would offset the costs incurred by the Commissioner of Labor for the administration of licenses and training programs and enforcement.

Under your leadership, the Labor Committee stands ready to meet the upcoming 2015 legislative session with a continued commitment to policies that improve the lives of workers, job seekers, and their 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,



Carl E. Heastie  
Member of Assembly

**NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON LABOR**

**Hon. Carl Heastie, Chair**

**▪ MEMBERS ▪**

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Harry B. Bronson  
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Michael G. DenDekker  
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Margaret M. Markey  
Shelley Mayer  
Michael Miller  
Francisco P. Moya  
Felix W. Ortiz  
N. Nick Perry  
Samuel Roberts  
Robert J. Rodriguez  
Nily Rozic  
James Skoufis  
Kenneth Zebrowski

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Clifford W. Crouch  
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David J. DiPietro  
Michael J. Fitzpatrick  
Edward P. Ra

**▪ COMMITTEE STAFF ▪**

Jennifer Best, Assistant Secretary for Program and Policy  
John Svare, Associate Counsel  
Elizabeth Boody, Analyst  
Jermaine Brookshire, Jr., 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 affects the lives and livelihood of New York's workers, as well as the overall economy. In 2014, there were 252 bills referred to the Committee, 41 of which were reported, 24 of which were passed by the Assembly, 5 of which were chaptered, and 6 of which were vetoed by the Governor.

The Committee considers bills from a number of sources including Members of the Assembly, the Governor, and various departments of the executive. The Governor requests program bills and the Department of Labor, the Workers' Compensation Board, and the State Insurance Fund request departmental bills. Many of these bills address administrative issues which allow these departments and the programs that 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, and worker advocacy groups. A representative sample of the legislative proposals acted upon this year included consideration of a bill that would protect the privacy of students' and employees' personal e-mail and social media accounts, 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 to improve the quality of life of New York State's workers and job seekers. The 2014-15 enacted budget included funding for the New York Committee for Occupational Safety and Health, which ensures that New York workplaces are safe and healthy; and funding for the Displaced Homemaker Program, which assists New Yorkers who have limited or no work experience but are ready to enter the workforce.

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 conducted a hearing to examine the potential impacts of the proposed New York State worker's compensation fee schedule on injured workers' access to quality medical care services and return to work rates.

The Committee remains steadfast in its commitment to ensure the rights of New York workers and strengthening government oversight and protection of these fundamental rights.

– SIGNIFICANT LEGISLATION –

**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; the 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 2014, the Committee reported several bills to expand wage and hour protections, eliminate discrimination in the workplace, increase the minimum wage, 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.

**Significant Legislation:**

**A.3901 (Glick)/ S.7752 (Avella)** – This bill would allow employees working for an employer with 50 or more employees to utilize accrued and available sick leave to care for their immediate family, members of their household, and domestic partners. (Reported to Ways and Means)

**A.3987 (Abbate)/ S.2860 (Savino)** – This bill would establish reciprocity of debarments under the federal Davis-Bacon Act by barring certain entities that have been declared ineligible to receive federal contracts for wage violations on federal public works projects, from bidding on public works projects in New York. (Advanced to Third Reading)

**A.5234 (Wright)/ S.1075 (Maziarz)** – This bill would enact the “Roadway Excavation Quality Assurance Act,” requiring that whenever the state, a county, or 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 Codes)

**A.5472 (Silver)/ S.2556 (Golden)** – This bill would provide independent contractors or “freelance workers” with the wage protections that traditional employees enjoy by requiring written agreements between independent contractors and their clients, giving independent contractors the right to file complaints with the Department of Labor, and empowering the Department to bring actions against clients on their behalf. (Passed Assembly)

**A.7482-A (Camara)/ S.5338 (Savino)** – This bill would expand prevailing wage protections to ensure that workers employed to provide janitorial and security services for the benefit of public agencies that provide utilities are paid the prevailing wage. (Reported to Codes)

**A.7696 (Wright)/ S.3715 (Savino)** – This bill would require that employees who build or maintain charter schools are paid prevailing wages. (Advanced to Third Reading)

**A.8106-C (Heastie)/ S.5885-B (Savino)** – This bill would provide additional protections for employees against wage theft by their employers by increasing penalties for violations of wage payment provisions, making certain members of limited liability companies liable for wage

debts, and providing for contractor accountability, among other protections. This bill would also repeal the annual wage notice requirement enacted in the Wage Theft Prevention Act of 2010. (Chapter 537 of the Laws of 2014)

**A.8343-A (Heastie)/ S.6518-A (Espailat)** – This bill would implement the \$9 per hour minimum wage increase one year ahead of schedule, on December 31, 2014, and raise it to \$10.10 on December 31, 2015; increase the cash wage for food service workers from \$5 to \$5.50 immediately, to \$6.20 on December 31, 2014, and to \$6.95 on December 31, 2015; tie future increases of the minimum wage and cash wage to inflation; and would authorize counties and cities to raise their local minimum wage up to 30 percent higher than the state’s minimum wage. (Advanced to Third Reading)

**A.8757-A (Abbate)/ S.6618-A (Savino)** – This bill would provide for the regulation of job order contracts by requiring that such contracts define the scope of work, describe the work to be performed, and identify the trades that will be utilized. This bill would also provide that the cost of a job order contract may not exceed \$1.5 million per 12 months and that the cost of a project performed under such contract may not exceed \$500,000. (Passed Assembly)

**A.8769-A (Jaffee)/ S.6578-B (Krueger)** – This bill would prohibit an employer from discriminating or retaliating against an employee on the basis of the employee’s or their dependent’s reproductive health decision making. (Passed Assembly)

**A.9849-A (Thiele)/ S.7111-B (Grisanti)** – This law allows a member of a volunteer fire department or volunteer ambulance service to take an authorized leave of absence from work in order to respond to a declared local state of emergency or state disaster emergency, unless their employer determines that the employee’s absence would impose an undue hardship on the conduct of the employer’s business. (Chapter 393 of the Laws of 2014)

**A.10138 (Thiele)/ S.7877 (Grisanti)** – This law amends Chapter 393 of the Laws of 2014 to clarify the circumstances under which a member of a volunteer fire department or volunteer ambulance service is authorized to take a leave of absence from work in order to respond to a declared local state of emergency or state disaster emergency. (Chapter 376 of the Laws of 2014)

## **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 2014, the Committee considered legislation to ensure that workers stay connected to the workforce through proper access to unemployment insurance benefits.

### **Significant Legislation:**

**A.6635 (Heastie)/ S.4470 (Savino)** – This bill would clarify that an offer of employment made to a part-time faculty member by a higher education institution which is contingent on factors such as enrollment or funding does not constitute “reasonable assurance” of continued employment and thus would not bar such faculty member from receiving unemployment insurance benefits if otherwise qualified. (Reported to Ways and Means)

**A.7278 (Moya)/ S.6572 (Savino)** – This bill would modify the way that unemployment insurance benefits are calculated by basing partial unemployment insurance benefits on a claimant’s actual part-time earnings, instead of penalizing the claimant with a 25 percent benefit reduction for each day worked regardless of the amount of time worked or wages earned. This new calculation would remove the penalty that workers face when attempting to become gainfully employed after a break in employment and would further reduce the pressure on the trust fund. (Passed Assembly)

**A.8919 (Heastie)** – This bill would include child care as a compelling family reason for voluntary separation from employment in order to ensure that certain workers who have separated from employment due to child care obligations, and have made reasonable efforts to secure alternative child care, are not denied unemployment insurance benefits if otherwise qualified. (Passed Assembly)

**A.8920 (Solages)** – This bill would require that the Department of Labor’s unemployment insurance work search regulations take into account the need for claimants to provide child care for their children, ensuring that unemployment insurance claimants who are providing child care for their children are able to satisfy the standards for proof of work search efforts and are not denied unemployment insurance benefits if otherwise qualified. (Passed Assembly)

**A.9115 (Mayer)/ S.7440 (Savino)** – This law will extend for two years standards for attorneys or agents who are authorized to represent claimants in Unemployment Insurance Appeal Board proceedings. Such agents must provide the Board with contact information, post a bond for the benefit of claimants charged certain fees by that agent, and are barred from the list of authorized agents if they knowingly violate the law regarding compensation for services rendered to a claimant. (Chapter 115 of the Laws of 2014)

## **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 2014, the Committee considered legislation to ensure that employees have the appropriate access to the care that they need, and that their beneficiaries are properly compensated for the loss of their loved ones.

### **Significant Legislation:**

**A.5299-B (Pretlow)/ S.2360-B (Klein)** – This bill would authorize the care and treatment of injured employees by licensed clinical social workers under the workers' compensation program. (Veto Memo 533)

**A.6559 (Wright)/ S.4090 (Savino)** – This bill would allow for the continuation of workers' compensation death benefits to a surviving spouse, regardless of remarriage. (Reported to Ways and Means)

**A.6634 (Wright)/ S.1114-A (Maziarz)** – This bill would authorize the care and treatment of injured employees by licensed massage therapists under the workers' compensation program. (Advanced to Third Reading)

**A.7293 (Zebrowski)/ S.3555 (Griffo)** – This bill would authorize the care and treatment of injured employees by certified physical therapist assistants under the workers' compensation program. (Passed Assembly)

**A.9721-B (Bronson)/ S.7634-B (Martins)** – This bill would authorize the care and treatment of injured workers by licensed or certified acupuncturists under the workers' compensation program. (Veto Memo 553)

## **OTHER SIGNIFICANT LEGISLATION**

### **EMPLOYEE PRIVACY**

**A.443-D (Dinowitz)/ S.2434-D (Klein)** – This bill would prohibit an employer or educational institution from requiring that an employee, applicant, student, or prospective student disclose means for accessing a personal electronic communications account. (Passed Assembly)

### **PAID FAMILY LEAVE**

**A.1793-B (Nolan)/ S.4742-B (Addabbo)** – This bill would expand New York’s temporary disability benefits program to provide employees with up to 12 weeks of paid leave for family care, including bonding with a newborn or adopted child, caring for a family member who is suffering from a serious health condition, or any qualifying need arising from the active military duty of an employee’s spouse, domestic partner, child, or parent. This bill would entitle employees taking leave for a personal disability or for family care to 2/3 of their average weekly wage, up to a cap of 50 percent of the statewide average weekly wage by 2018. Currently, employees are only covered for a personal disability, and are only entitled to 50 percent of their average weekly wage, up to a cap of \$170 per week. This bill would provide anti-retaliation and job protections for all employees who take leave for family care. (Passed Assembly)

### **MOLD TREATMENT**

**A.5117-C (Weisenberg)/ S.3667-D (Savino)** – This bill would establish three separate licenses and minimum work standards for mold assessment, remediation, and abatement. (Passed Both Houses)

### **ELEVATOR SAFETY**

**A.5233-B (Wright)/ S.2917-C (Bonacic)** – This bill would establish 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 Assembly)

### **WHISTLEBLOWER PROTECTIONS**

**A.815-A (Abinanti)/ S.4453-A (Savino)** – This bill would extend anti-retaliation or “whistleblower” protections to employees in the financial services industry who disclose or threaten to disclose violations of securities laws, financial or accounting fraud, or the misappropriation or misuse of certain funds. (Advanced to Third Reading)

**A.5696-A (Benedetto)/ S.3862-A (Klein)** – This bill would extend anti-retaliation or “whistleblower” protections to employees and former employees who disclose or threaten to disclose illegal business activities by their employer. (Passed Assembly)

## **ASBESTOS PROJECT NOTIFICATION FEE RELIEF**

**A.1871 (Schimel)/ S.902 (Martins)** – This bill would exempt from asbestos project notification fees projects undertaken: by or on behalf of municipalities that are abating or demolishing a building that is a public nuisance or unsafe, and the project cost exceeds the resulting value of the property; pursuant to an urban renewal or municipal redevelopment plan; or by or on behalf of a land bank. (Veto Memo 555)

**A.7963 (Magnarelli)/ S.1598-A (Grisanti)** – This bill would effectively exempt contractors employed by the cities of Buffalo, Rochester, Yonkers, and Syracuse from payment of asbestos project notification fees. (Veto Memo 540)

**A.10014 (Lupardo)/ S.7900 (Lanza)** – This bill would set a \$200 fixed asbestos notification fee for owner-occupied, one- and two-family homes damaged or condemned due to a declared local state of emergency or state disaster emergency. (Veto Memo 554)

**– PUBLIC HEARINGS –**

On December 19, 2014, the Committee conducted a public hearing to examine the potential impacts of the proposed New York State workers' compensation fee schedule on injured workers' access to quality medical care services and return to work rates as well as the potential impacts on the no-fault system. The proposed fee schedule would match fees to Medicare which would result in reduced payments to certain specialty medical service providers.

The Committee heard testimony from the NYS Workers' Compensation Board; Public Employees Federation, the NYS Trial Lawyers Association; the Medical Society of the State of New York; NYS AFL-CIO; New York Insurance Association (NYIA); NYS Society of Orthopaedic Surgeons, Inc.; United NY Ambulance Network (UNYAN); and other stakeholders who would be affected by the proposed changes. The majority of those testifying expressed concerns regarding the proposed changes to the fee schedule. The Committee was made aware of the following concerns: reducing reimbursement rates for some specialty medical services could cause providers of those services to withdraw from the worker's compensation system; the proposed changes would not be cost neutral; there would be a decline in workers' access to quality care; the proposed fee schedule may create unfair financial incentives to primary care physicians that may further exacerbate a lack of quality providers; the proposed changes offers no relief for providers with respect to the bureaucratic burdens that accompanies filing workers' compensation claims; lack of clarity in the discussion document; and uncertainty regarding the impact on the no-fault system.

The Board plans to publish an additional discussion document in early 2015, for public discussion and comment, which will provide further details regarding the proposed New York State workers' compensation fee schedule and the rules to be included within the schedule. As the 2015 session approaches, the Committee will further consider the testimony and evaluate the Board's proposed New York State worker's compensation fee schedule with an eye to ensuring that injured workers have full access to quality medical care under the workers' compensation system.

## – OUTLOOK FOR 2015 –

For the 2015 legislative session, the Labor Committee is committed to continuing to advance legislation that would ensure the health, safety, and viability of the workforce in New York State.

The Committee will continue to champion efforts to increase the minimum wage. The 2013-14 enacted state budget increased the state's minimum wage to \$9.00 per hour by 2016. The wage gradually increased from \$7.25 to \$8.00 per hour on December 31, 2013; and it will increase to \$8.75 on December 31, 2014; and then to \$9.00 per hour on December 31, 2015. The Committee will remain diligent in our efforts to accelerate the minimum wage increase schedule, provide a scheduled increase for New York's tipped workers, and ensure that as the cost of living increases, so will New York's minimum wage.

The Committee will also continue to protect the rights and benefits afforded to workers through the Workers Compensation system including ensuring that workers have adequate access to the necessary medical care promised to them when the system was created. It is vital that workers injured in New York State who rely on the Workers' Compensation system are able to return to work in full health in a timely manner. Further, the committee will work to ensure that workers who experience an unfortunate event that causes them to rely on Unemployment Insurance are still able to provide for their families during their job searches and are able to re-engage in the workforce without penalty.

The Committee will also promote legislative proposals that seek to fine tune the work-life balance, such as paid leave for family care and ensure that the children of New York's workforce are cared for.

**APPENDIX A  
2014 SUMMARY SHEET**

2014 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	2		2
TO WAYS AND MEANS	14		14
TO CODES	22		22
TO RULES	3		3
TO JUDICIARY	0		0
TOTAL	41		41
<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>	2		2
<b>SENATE BILLS SUBSTITUTED OR RECALLED</b>			
SUBSTITUTED		1	1
RECALLED		0	0
TOTAL		1	1
<b>BILLS DEFEATED IN COMMITTEE</b>	0	0	0
<b>BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE</b>	25	0	25
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	164	8	172
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	11	0	11
<b>MOTIONS TO DISCHARGE LOST</b>	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	243	9	252
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	10		

**APPENDIX B  
CHAPTERS OF 2014**

<b>Bill / Sponsor</b>	<b>Summary</b>	<b>Final Action</b>
A.8106-C/ S.5885-B Heastie/ Savino	Provides additional protections for employees against wage theft by their employers, better ensuring that all New York workers receive the wages they have rightfully earned.	Chapter 537
A.8451/ S.6336-A Wright/ Savino	Makes technical corrections to Chapter 558 of the Laws of 2013, the New York State Commercial Goods Transportation Industry Fair Play Act.	Chapter 7
A.9115/ S.7440 Mayer/ Savino	Extends for two years standards for attorneys or agents who are authorized to represent claimants in Unemployment Insurance Appeal Board proceedings, including requirements ensuring that such agents charge the appropriate fees for services rendered to claimants.	Chapter 115
A.9849-A/ S.7111-B Thiele/ Grisanti	Allows members of volunteer fire departments and volunteer ambulance squads to take leaves of absence from work in order to respond to declared emergencies.	Chapter 393
A.10138/ S.7877 Thiele/ Grisanti	Amends Chapter 393 of the Laws of 2014 to clarify the circumstances under which members of volunteer fire departments and volunteer ambulance squads are authorized to take leaves of absence from work in order to respond to declared emergencies.	Chapter 376

**APPENDIX C**  
**BILLS THAT WERE REPORTED IN 2014**

<b>Bill / Sponsor</b>	<b>Summary</b>	<b>Final Action</b>
A.443-D/ S.2434-D Dinowitz/ Klein	Prohibits employers or educational institutions from requiring that employees, applicants, students, or prospective students disclose means for accessing a personal electronic communications account.	Passed Assembly
A.679/ No Same As Dinowitz	Allows employees to file a workers' compensation claim for disability caused by occupational exposure to tobacco smoke beyond the two year statute of limitations.	Reported to Ways and Means
A.815-A / S.4453-A Abinanti/ Savino	Extends whistleblower protections to employees in the financial services industry who disclose or threaten to disclose certain violations.	Advanced to Third Reading
A.1174/ S.4134 Heastie/ Parker	Gives public and private employees access to their personnel file upon request.	Reported to Codes
A.1180-A/ S.4676 Rosenthal/ Robach	Requires employers who engage in electronic monitoring to notify employees in writing upon hiring, and to post such notice in a conspicuous place.	Advanced to Third Reading
A.1793-B/ S.4742-B Nolan/ Addabbo	Expands New York's temporary disability benefits program to provide employees with paid leave for family care.	Passed Assembly
A.1871/ S.902 Schimel/ Martins	Exempts from asbestos project notification fees projects undertaken: by or on behalf of municipalities that are abating or demolishing a building that is a public nuisance or unsafe, and the project cost exceeds the resulting value of the property; pursuant to an urban renewal or municipal redevelopment plan; or by or on behalf of a land bank.	Veto Memo 555
A.3901/ S.7752 Glick/ Avella	Allows employees working for an employer with 50 or more employees to utilize their accrued and available sick leave to care for immediate family, household members, and domestic partners.	Reported to Ways and Means
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.	Advanced to Third Reading
A.5117-C/ S.3667-D Weisenberg/ Savino	Establishes licenses and minimum work standards for mold assessment, remediation, and abatement by a business enterprise.	Passed Both Houses
A.5233-B/ S.2917-C Wright/ Bonacic	Requires the licensing of persons who design, construct, inspect, maintain, alter, and repair elevators and other automated people moving devices.	Passed Assembly

A.5234/ S.1075 Wright/ Maziarz	Requires that whenever the state, a county, or 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 Codes
A.5299-B/ S.2360-B Pretlow/ Klein	Allows for the care and treatment of injured employees by licensed clinical social workers under the workers' compensation program.	Veto Memo 533
A.5472/ S.2556 Silver/ Golden	Grants independent contractors or "freelance workers" the same compensation guarantees as traditional employees.	Passed Assembly
A.5696-A/ S.3862-A Benedetto/ Klein	Extends whistleblower protections to employees and former employees who disclose or threaten to disclose illegal business activities by their employer.	Passed Assembly
A.5950/ No Same As Wright	Ensures that Medical Treatment Guidelines adopted by the Workers' Compensation Board in 2010 will no longer be applied retroactively.	Reported to Ways and Means
A.6559/ S.4090 Wright/ Savino	Allows for the continuation of workers' compensation death benefits to a surviving spouse, regardless of remarriage.	Reported to Ways and Means
A.6634/ S.1114-A Wright/ Maziarz	Allows for the care and treatment of injured employees by licensed massage therapists under the workers' compensation program.	Advanced to Third Reading
A.6635/ S.4470 Heastie/ Savino	Clarifies the circumstances under which certain professionals at higher education institutions could be eligible for unemployment insurance benefits based on the lack of a reasonable assurance of continued employment.	Reported to Ways and Means
A.6818/ S.4472 Heastie/ Savino	Enacts the "Public Employee Safety and Health Reform Act" to provide for additional protections for employees related to health and safety violations.	Reported to Codes
A.7278-A/ S.6572 Moya/ Savino	Modifies the way that partial unemployment insurance benefits are calculated in order to remove the penalty that workers face when attempting to become gainfully employed after a break in employment.	Passed Assembly
A.7293/ S.3555 Zebrowski/ Griffo	Allows for the care and treatment of injured employees by certified physical therapist assistants under the workers' compensation program.	Passed Assembly
A.7482-A/ S.5338 Camara/ Savino	Ensures that workers employed to provide janitorial and security services for the benefit of certain public agencies are paid the prevailing wage.	Reported to Codes
A.7696/ S.3715 Wright/ Savino	Enacts the "Charter Schools Construction Fair Wages Act" to require that employees who build or maintain charter schools are paid prevailing wages.	Advanced to Third Reading
A.7961/ S.5294	Defines voluntary withdrawal from the labor market in order	Reported to

Heastie/ Savino	to ensure that when partially disabled workers are unattached to the labor market, they are not denied workers' compensation benefits if otherwise qualified.	Codes
A.7963/ S.1598-A Magnarelli/ Grisanti	Exempts contractors employed by the cities of Buffalo, Rochester, Yonkers, and Syracuse from payment of asbestos project notification fees.	Veto Memo 540
A.8106-C/ S.5885-B Heastie/ Savino	Provides additional protections for employees against wage theft by their employers, better ensuring that all New York workers receive the wages they have rightfully earned.	Chapter 537
A.8343-A/ S.6518-A Heastie/ Espaillat	Expedites the implementation of the \$9 per hour minimum wage increase and increases the minimum wage to \$10.10, increases the cash wage for food service workers, ties future increases of the minimum wage and the cash wage to inflation, and authorizes counties and cities to raise their local minimum wages.	Advanced to Third Reading
A.8451/ S.6336-A Wright/ Savino	Makes technical corrections to the New York State Commercial Goods Transportation Industry Fair Play Act.	Chapter 7
A.8695/ No Same As Clark	Requires the Commissioner of Labor to implement an online program that allows employees to file a complaint regarding hours, wage theft and other labor violations, and access the status of his or her case.	Reported to Ways and Means
A.8757-A/ S.6618-A Abbate/ Savino	Provides for the regulation of job order contracts by requiring that these contracts define the scope of work, describe the work to be performed, and identify the trades that will be utilized.	Passed Assembly
A.8769-A/ S.6578-B Jaffee/ Krueger	Prohibits an employer from discriminating or retaliating against an employee on the basis of the employee's or their dependent's reproductive health decision making.	Passed Assembly
A.8898-A/ S.6646-A Magee/ Seward	Exempts amateur, unpaid, collegiate players in for-profit collegiate summer baseball leagues, except those deemed to be employees under the National Labor Relations Act, from workers' compensation coverage.	Veto Memo 584
A.8919/ No Same As Heastie	Ensures that certain workers who separate from employment due to child care obligations are not denied unemployment insurance benefits if otherwise qualified.	Passed Assembly
A.8920/ No Same As Solages	Requires that the Department of Labor's work search regulations take into account the need for unemployment insurance claimants to provide child care for their children so that such claimants are not denied unemployment insurance benefits if otherwise qualified.	Passed Assembly

A.9115/ S.7440 Mayer/ Savino	Extends for two years standards for attorneys or agents who are authorized to represent claimants in Unemployment Insurance Appeal Board proceedings, including requirements ensuring that such agents charge the appropriate fees for services rendered to claimants.	Chapter 115
A.9721-B/ S.7634-B Bronson/ Martins	Allows for the care and treatment of injured employees by licensed or certified acupuncturists under the workers' compensation program.	Veto Memo 553
A.9849-A/ S.7111-B Thiele/ Grisanti	Allows members of volunteer fire departments and volunteer ambulance squads to take leaves of absence from work in order to respond to declared emergencies.	Chapter 393
A.9936/ S.7861 Rodriguez/ Savino	Clarifies which individuals working as subcontractors are covered under a prime contractor's workers' compensation insurance policy.	Passed Assembly
A.10014/ S.7900 Lupardo/ Lanza	Sets a \$200 fixed asbestos project notification fee for owner-occupied, one- and two-family homes damaged or condemned due to declared emergencies.	Veto Memo 554
A.10138/ S.7877 Thiele/ Grisanti	Amends Chapter 393 of the Laws of 2014 to clarify the circumstances under which members of volunteer fire departments and volunteer ambulance squads are authorized to take leaves of absence from work in order to respond to declared emergencies.	Chapter 376

**APPENDIX D**  
**BILLS THAT WERE VETOED IN 2014**

<b>Bill / Sponsor</b>	<b>Summary</b>	<b>Final Action</b>
A.1871/ S.902 Schimel/ Martins	Exempts from asbestos project notification fees projects undertaken: by or on behalf of municipalities that are abating or demolishing a building that is a public nuisance or unsafe, and the project cost exceeds the resulting value of the property; pursuant to an urban renewal or municipal redevelopment plan; or by or on behalf of a land bank.	Veto Memo 555
A.5299-B/ S.2360-B Pretlow/ Klein	Allows for the care and treatment of injured employees by licensed clinical social workers under the workers' compensation program.	Veto Memo 533
A.7963/ S.1598-A Magnarelli/ Grisanti	Exempts contractors employed by the cities of Buffalo, Rochester, Yonkers, and Syracuse from payment of asbestos project notification fees.	Veto Memo 540
A.8898-A/ S.6646-A Magee/ Seward	Exempts amateur, unpaid, collegiate players in for-profit collegiate summer baseball leagues, except those deemed to be employees under the National Labor Relations Act, from workers' compensation coverage.	Veto Memo 584
A.9721-B/ S.7634-B Bronson/ Martins	Allows for the care and treatment of injured employees by licensed or certified acupuncturists under the workers' compensation program.	Veto Memo 553
A.10014/ S.7900 Lupardo/ Lanza	Sets a \$200 fixed asbestos project notification fee for owner-occupied, one- and two-family homes damaged or condemned due to declared emergencies.	Veto Memo 554