



2009 – 2010
Report of the
New York State Senate
Standing Committee on Labor

Senator George Onorato,
Chairman

Labor Committee Members

Senator George Onorato, Chairman

Senator Joseph E. Robach, Ranking Minority Member

Senator Joseph P. Addabbo, Jr.

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Senator Jeffrey D. Klein

Senator William T. Stachowski

Senator Vincent L. Leibold

Senator Andrea Stewart-Cousins

Committee Staff

Alyssa Talanker, Counsel and Committee Director

Sarah Coligan, Policy Analyst and Committee Clerk

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Executive Summary

The 2009 and 2010 legislative sessions resulted in the enactment of several new and important labor protections for workers in New York State. The Senate Labor Committee approved landmark legislation to protect construction workers, domestic workers and low-wage workers. The Committee held two public hearings to investigate contractor abuses on public work projects and to examine the serious issue of employee misclassification in the construction industry. Two additional hearings were held to review complaints by workers and employers concerning two programs proposed by the Workers' Compensation Board that would impact due process and the hearing rights of parties. New laws to protect the state's growing number of unemployed workers were also approved by the Labor Committee.

Among these accomplishments was the passage of the New York State Construction Industry Fair Play Act that protects construction workers against misclassification as independent contractors. Under the Act, construction workers will be presumed to be employees and entitled to unemployment benefits and to workers' compensation if injured on the job – benefits they would not receive if misclassified by their employer. The Fair Play Act brings New York into line with the majority of other states that have passed employee misclassification laws.

Employers of low-wage workers and domestic workers will have additional obligations to ensure their employees are not mistreated under these new labor laws. Low-wage and other workers must be given written notice of their regular and overtime hourly wage rates when hired in order to better determine whether their paychecks are accurate. Employers who retaliate against employees for reporting wage or other labor violations to the Department of Labor will face stiffer fines, which have not been increased in over half a century. Domestic workers, under a new law enacted in 2010, will now be provided with a day of rest, overtime and disability benefits similar to those offered to other employees in New York.

During 2009-2010, the Labor Committee approved the nominations of five new Commissioners to the 13-member Workers' Compensation Board. Two of the new Commissioners bring a background of representing workers which improves the balance of labor-management representation on the Board. The Committee also approved the nomination of Colleen Gardner as Commissioner of the Department of Labor.

One of the concerns raised to the Committee by injured workers, as well as employers, was in relation to the Workers' Compensation Board's "Managed Adjudication Path" (MAP) program. MAP would bypass the Conciliation law passed by the Legislature which requires a Conciliation counsel, employed by the Board, to advise unrepresented injured workers regarding their rights and the process, and to issue proposed decisions for the parties to accept or reject. MAP would instead allow administrative law judges to decide claims without first meeting the parties or holding a hearing. Another proposed program would allow the use of digital-audio equipment to record workers' compensation hearings instead of only using stenographers who are required to record and transcribe the hearings under current law. The Committee held

hearings on both proposed programs and found neither program was authorized by law. The Senate responded to the Committee's findings by recommending that \$1.2 million for the cost of both programs be cut from the proposed state budget for the Board in 2010-2011. This proposal, however, was not adopted as part of the final budget.

Other legislation approved by the Committee and signed into law will protect the privacy of claimants at hearings for unemployment benefits. Another new law eliminates the seven-week waiting period to receive unemployment benefits for innocent bystanders who lose their jobs because of a strike they did not cause or in which they did not participate. The Committee also approved legislation to raise unemployment benefits which have not been raised in more than a decade and which are well below benefits in neighboring states (S.2245-B). The legislation would also restore solvency to the state's Unemployment Insurance Trust Fund which has borrowed more than \$3.2 billion to pay for benefits since going bankrupt. Employers will owe \$115 million in interest on this borrowing in 2011. The Senate Finance Committee also approved the legislation both years after its approval by the Labor Committee.

The Labor Committee held eight meetings each during 2009 and 2010 and reported a total of 65 bills out of Committee. The Senate passed 23 of the bills and 15 were signed into law by Governor David A. Paterson.

Labor Law

Unemployment

The 2009 and 2010 legislative sessions took place during a difficult time for workers in New York. Poor economic conditions led many businesses to lay off their workers who in turn applied for unemployment benefits. By October 2009, the state's unemployment rate rose to 9.0%, its highest level in more than 25 years. Although the rate decreased to 8.3% in October 2010, more than 797,000 New Yorkers remained out of work. The rates are even higher for minorities and youths. Unemployment stands at 14.4% for African-Americans, 12.2% for Latinos, and 17.2% for youths. New York's long-term unemployment rate for those out of work 27 weeks or more is 42.2%.

With so many New Yorkers now relying on unemployment benefits, the Senate Labor Committee advanced several bills to ensure the unemployment insurance program is responsive to the needs of workers. Legislation enacted in 2009 extended the unemployment benefit period an additional 13 weeks and added federal money to the state's Unemployment Insurance Trust Fund to pay for benefits (Chapter 35 of 2009). An innocent bystander law enacted in 2010 removes the seven-week waiting period to receive unemployment benefits for individuals who lose their jobs due to a strike they did not cause or in which they did not participate (Chapter 177 of 2010). The right of claimants to representation at unemployment hearings was continued an additional two years (Chapter 257 of 2010). The Self-Employment Assistance Program, which allows certain claimants to continue collecting unemployment benefits while starting their own businesses, was additionally extended for two years (Chapter 106 of 2009). Legislation to protect the privacy of the parties during unemployment hearings and appeals was also enacted (Chapter 554 of 2010).

During 2009 and 2010, the Labor Committee approved legislation to increase New York's maximum weekly unemployment benefit of \$405, which has not been raised in more than a decade. The legislation would also raise the taxable wage base to restore solvency to the state's Unemployment Insurance Trust Fund which has borrowed \$3.2 billion from the federal government to pay for benefits. The continued insolvency of the Trust Fund means employers will owe approximately \$115 million in interest next year for the federal loan, as well as higher federal unemployment taxes. The legislation was also approved by the Senate Finance Committee both years (S. 2245-B).

Construction

The Labor Committee also turned its attention to the problems facing New York's construction workers. The non-payment of prevailing wages for public work is a continuing problem. The Committee held hearings to identify loopholes in the law attributable to this non-payment and approved legislation to close those loopholes.

In April 2009, the Committee held a joint public hearing with the Assembly Labor Committee to study the state's lowest responsible bidder law. Witnesses testified that state and

local public work contracts are often awarded to firms that bid the lowest because they fail to pay the prevailing wage. Following the hearing, the Senate Labor Committee issued a report recommending the creation of a statewide database to identify contractors with a record of non-payment of prevailing wages, and to disqualify them from bidding on future contracts. A bill was introduced which adopted these recommendations, and it was approved by the Senate Finance Committee which oversees state contracts. (S.6434-A).

During 2010, the Senate Labor Committee held a public hearing to study problems caused by contractors who misclassify their employees as independent contractors in order to avoid paying unemployment taxes, prevailing wages and workers' compensation. Witnesses testified that construction workers are often misclassified as independent contractors and left without workers' compensation coverage when they are injured on the job. Misclassification also leads to the loss of large amounts of employer tax revenues that are wrongly diverted into New York's underground economy. Following the hearing, the Committee unanimously approved the New York State Construction Industry Fair Play Act which establishes a presumption that construction workers are employees. Unless an employer meets a three-pronged test to prove that the individual is being hired as an independent contractor, construction workers will be eligible for unemployment benefits, workers' compensation, and federal benefits that their employers must fund by withholding taxes required by law. The landmark legislation passed both houses and was signed into law – bringing New York into line with the majority of states that have passed similar laws (Chapter 418 of 2010).

The Committee also approved legislation to require written agreements between contractors and subcontractors when a public work is performed, including the names of subcontractors, the amount of payment, the type of work classification and other identifying information. The lack of a written contract has allowed certain public work contractors to avoid paying their employees prevailing wages after they are awarded the contract by switching to cheaper subcontractors and denying the existence of a contractual relationship. The Senate passed the legislation (S.2248-A).

Workplace Rights and Protections

Improving workplace protections was another important focus of the Labor Committee. In 2009, two Department of Labor bills were approved and signed into law to tighten wage protection for low-wage workers. One new law requires that workers be given written notice of their regular and overtime hourly wage rates at the time of hiring, and requires employers to obtain a written acknowledgment of receipt of the notice from the worker. This allows employees to determine from their paychecks whether they were paid for all of the overtime hours worked during the pay period (Chapter 270 of 2009). The other new law expands protection against employer retaliation for employees who provide information or complain to the Commissioner of Labor regarding wage and other labor violations against a worker. This legislation also increased civil penalties for the first time since 1967 from a minimum of \$200 to \$1000 and from a maximum of \$2000 to \$10,000 in order to provide a modern and more effective deterrent to wage violations (Chapter 372 of 2009).

In 2010, the Committee approved legislation that granted the right to organize and engage in collective bargaining to three new groups of workers, including farm workers, domestic workers and child care workers. One of the bills would grant farm workers a day of rest, overtime and disability insurance (S.2247-B). Landmark legislation granting domestic workers overtime, a day of rest and disability benefits was signed into law (Chapter 481 of 2010), along with the legislation allowing child care workers to organize (Chapter 540 of 2010).

Several bills to protect workers from retaliation and intimidation by employers while performing their jobs were also favorably reported out of Committee. Legislation to protect police officers against termination and having their benefits reduced for failing to meet ticket or arrest quotas was enacted (Chapter 460 of 2010). Other legislation to protect volunteer firefighters and ambulance drivers who are terminated for absence or lateness from work because of volunteering passed both houses, but was vetoed by the Governor (S.4988, Veto #6791). The Senate also passed legislation to allow employees who suffer an abusive work environment to sue their employer if the employer knew of the abuse and failed to take corrective action (S.1823-B).

Workers' Compensation Law

During the 2009 and 2010 sessions, workers and employers complained to the Senate Labor Committee that two programs proposed by the Workers' Compensation Board to determine injured worker claims would violate their rights under current law. The Board's "Managed Adjudication Path" (MAP) program would bypass the Conciliation statute which ensures that the parties are provided an opportunity to appear and be heard by administrative law judges before any decision is made on an injured worker's claim. The Board also proposed a pilot program to use digital-audio equipment to record hearings even though stenographers by law are required to record hearings and to certify as to the accuracy of the transcripts.

MAP

The Senate Labor Committee held a hearing on MAP during 2010. Representatives of the New York State Bar Association, the AFL-CIO, public and private employers, active and retired workers' compensation judges, and insurers all testified that MAP violates due process and the Conciliation law. The Conciliation law requires that unrepresented injured workers be informed of their rights and the claims process by a Conciliation counsel, who is employed by the Board. The Conciliation counsel must prepare a proposed decision for the parties to accept or reject based on medical and other documents provided. If the decision is rejected, the claim must be heard by an administrative law judge. MAP would ignore the Conciliation law by requiring administrative law judges to issue proposed decisions without first meeting the parties or holding a hearing. Witnesses at the Committee hearing testified that MAP would violate statutory protections for injured workers, as well as due process, by allowing judges to decide claims before the parties have had a chance to be heard and present their case.

The Senate responded to the Committee's findings that MAP was not authorized by law by recommending that \$289,000 be cut from the proposed state budget. That amount would otherwise be used by the Board to upgrade the salaries of Conciliator-counsels to administrative law judges in order to carry out the MAP program. The reduction, however, was not agreed upon by the Assembly in the final 2010-2011 budget.

Digital-Audio Recording

During 2009, the Workers' Compensation Board announced a plan for a pilot program to use digital-audio equipment to record workers' compensation hearings. Workers' compensation law section 122, however, requires the use of stenographers to record and transcribe the hearings and to certify to the accuracy of the hearing transcripts. Previously, in 2006, the Legislature rejected an effort by the Workers' Compensation Board to amend section 122 to allow the electronic recording of hearings. In October 2009, the Committee held a public hearing at the request of workers' compensation attorneys, court reporters and employee organizations who objected to the Board's unauthorized use of digital-audio recording. Representatives of injured workers, employers, administrative law judges and stenographers testified that digital-audio recording used elsewhere resulted in mistrials and delay; that recording machines cannot

accurately capture witness dialects in highly populated immigrant areas downstate; and that there was no shortage of qualified stenographers in New York to record and transcribe workers' compensation hearings.

Following the Committee's hearing, the Board went ahead and signed a 3-year contract for \$916,160 to use electronic recording at workers' compensation hearings throughout the state. The Senate responded to the Committee's findings that the digital-audio program was not allowed without legislative authorization by recommending that \$916,160 be cut from the proposed state budget – funds which the Board would otherwise use to purchase the digital-audio recording system. This funding reduction, however, was not agreed upon by the Assembly in the final 2010-2011 budget.

Other Workers' Compensation Issues

The Labor Committee approved several bills to make the workers' compensation benefit process more accommodating to injured workers. The Alternative Dispute Resolution (ADR) program for injured construction workers was made permanent after being extended twice since its creation as a pilot program in 1995. ADR allows injured workers and contractors to resolve claims by using an arbitrator of their choosing rather than having the claim decided by the Workers' Compensation Board (Chapter 250 of the Laws of 2010).

Workers who are awarded benefits for a permanent partial disability may now obtain their award in one lump sum upon request, rather than by receiving periodic payments under a new law enacted in 2009. The lump sum option allows injured workers to invest their disability awards in order to better prepare for the adverse financial and emotional effects of their diminished earning capacity (Chapter 351 of the Laws of 2009).

Presently, injured workers are required to use pharmacies chosen by their employers. The Labor Committee approved legislation that would allow workers to choose their own pharmacies to fill prescriptions for work-related injuries as long as the pharmacy follows the fee schedule established by the Workers' Compensation Board. The Senate passed the legislation (S.2978-B).

Fees that physicians and other health care providers may charge for treating injured workers have not been raised by the Workers' Compensation Board in more than ten years. This creates a disincentive for health providers to accept injured worker cases. The Committee approved legislation to require the Board to set a new fee schedule for health providers and to update the schedule every two years. The bill passed both the Senate and Assembly, but was vetoed by the Governor based on concerns regarding the fee impact on businesses (S.4631-A, Veto #6800).

Board Commissioners

During 2009-2010, the Committee approved five new Commissioners to the Workers' Compensation Board including: Robert Beloten, Freida Foster-Tolbert, Loren Lobban, Conrad Lower, and Samuel Williams. The new appointments include two Commissioners with diverse backgrounds in representing workers, which improves the balance of labor-management

representation on the 13-member Board. Under the workers' compensation law, Commissioners are assigned to one of four panels, each with three Commissioners to consider appeals from decisions by administrative law judges. The appointments increase the opportunity for a more balanced hearing panel to decide the appeals.

Appendix A

Senate Labor Committee Bills Enacted

2009

<u>Chapter #</u>	<u>Description</u>	<u>Bill # and Sponsor</u>
35	Allows unemployment benefits for employees who leave work for compelling family reasons and provides 13 additional weeks of extended benefits	A.8273 Meng (S.4110-A Onorato)
106	Extends the Self-Employment Assistance Program an additional two years, allowing certain individuals to continue collecting unemployment benefits while starting their own businesses	A.6050 Schimminger (S.3707 Onorato)
219	Makes permanent a section of the labor law to improve the safety of high-voltage line work	S.2577 Valesky (A.6530 Magnarelli)
270	Requires employers to give workers written notice of their regular and overtime rates of pay upon hiring, and obtain written acknowledgment from each worker that they received the notice	S.3357 Onorato (A.6962 Latimer)
351	Provides that permanent partial disability for workers' compensation benefits may be made in one lump sum upon the worker's request	A.2021-B John (S.2776-B Onorato)
372	Expands retaliation grounds for workers who file complaints regarding labor law violations and strengthens the recovery of damages against employers for wage underpayments	A.6963 Zebrowski (S.3358 Onorato)

2010

<u>Chapter #</u>	<u>Description</u>	<u>Bill # and Sponsor</u>
34	Increases the number of affirmative votes required for the New York State Insurance Fund to adopt, amend or repeal a rule	S.5857 Stavisky (A.7660 Meng)
177	Eliminates the waiting period for innocent bystanders to collect unemployment benefits during an industrial controversy which they did not cause or participate in	A.6964 John (S.3359 Onorato)
250	Makes permanent the alternative dispute resolution system to resolve workers' compensation claims in the construction industry	A.9898 Miller, M (S.7409 Onorato)
257	Extends for two years the law allowing fees and expenses for registered representatives of unemployment insurance claimants	A.10126 Latimer (S.7808 Onorato)
418	Enacts the New York State Construction Industry Fair Play Act to prohibit employee misclassification in the construction industry	S.5847-F Onorato (A.8237-D John)
460	Expands protection against retaliation for police officers if they fail to meet quotas for arrests or stops	S.2956-A Adams (A.6729-A John)
481	Enacts labor standards for domestic workers including a day of rest, overtime pay and disability benefits, and provides protection against sexual and other forms of harassment	A.1470-B Wright (S.2311-E Savino)
540	Allows child care providers to organize, select representatives and engage in collective bargaining with the state regarding their employment	S7451 Savino (A.10764 John)
554	Allows confidential information to be withheld from the records of unemployment hearings and appeals, and for hearings to be closed in order to protect claimants' privacy	S.7053 Onorato (A.10921 Latimer)

Appendix B

Labor Committee Bills That Passed in the Senate Only

2010

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.1823-B	Morahan	Establishes a civil cause of action for employees who are subjected to an abusive work environment
S.2248-A	Onorato	Requires that a contractor or subcontractor may not engage another person to work on a public works project unless it is according to a written agreement
S.2978-B	Savino	Allows injured employees to use their own pharmacies to obtain prescription medications, provided the pharmacy follows the fee schedule published by the Workers' Compensation Board
S.7096-A	Schneiderman	Extends prevailing wage requirements to service workers of utility employers

Appendix C

Bills Reported from the Senate Labor Committee

2009

Unemployment Insurance

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.1220-A	Thompson	Removes the limitation on unemployment benefits during vacation for non-professional employees of educational institutions
S.2245	Onorato	Increases the maximum weekly benefit rate for unemployment insurance and increases the taxable wage base
S.2775	Onorato	Expands retraining opportunities for unemployed workers by extending unemployment benefits to individuals in approved training programs
S.3359	Onorato	Eliminates the waiting period for innocent bystanders to collect unemployment benefits during an industrial controversy which they did not cause or participate in
S.3707	Onorato	Extends the Self-Employment Assistance Program an additional two years, allowing certain individuals to continue collecting unemployment benefits while starting their own businesses
S.4110	Onorato	Allows unemployment benefits for employees who leave work for compelling family reasons and provides 13 additional weeks of extended benefits
S.4123	Onorato	Ensures that professionals employed by two and four-year colleges will be eligible for unemployment insurance during periods of unemployment if they are not given reasonable assurance of continued employment

Construction

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.2248	Onorato	Requires that a contractor or subcontractor may not engage another person to work on a public works project unless it is according to a written agreement
S.2814	Onorato	Requires the payment of prevailing wages on construction agreements, leases and bonds between the State University of New York and third parties on SUNY-owned or leased property
S.2904	Stewart-Cousins	Requires public work contractors and subcontractors to post wage rates and supplements, and to use sign-in and sign-out sheets at the work site
S.3398	Onorato	Makes contractors ineligible to bid for a public work contract if prevailing rate wages and supplements due from all prior public work contracts remain unpaid
S.3445-A	Savino	Expands enforcement mechanisms in order to ensure timely payments to employees, contractors, and subcontractors for work performed on private construction projects
S.4912	Addabbo	Subjects all public work projects financed, in whole or in part, through certain public entities to prevailing wage requirements

Workers' Compensation

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.1970-A	Stachowski	Provides for cost-of-living adjustments to death benefits of surviving spouses
S.2776-A	Onorato	Provides that permanent partial disability for workers' compensation benefits may be made in one lump sum upon the worker's request

Workplace Rights and Protections

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.61	Sampson	Prohibits retaliation by employers against workers who disclose acts by employers or co-workers that violate the law
S.955	Johnson, C	Enacts the New York State Fair Pay Act to prohibit pay inequity based on sex or race
S.1629	Oppenheimer	Provides public and private employees the right to review their personnel files
S.1823-A	Morahan	Establishes a civil cause of action for employees who are subjected to an abusive work environment
S.1948	Stachowski	Directs the Department of Labor to study hostile workplace behavior and its consequences, and to submit a report with recommendations to the Governor and Legislature
S.2124-A	Addabbo	Includes public schools within the definition of employers who are required to develop and implement programs to prevent workplace violence
S.2247	Onorato	Enacts the Farmworkers Fair Labor Practices Act to grant a day of rest, overtime pay, disability benefits and other labor rights to farm workers
S.2311	Savino	Enacts labor standards for domestic workers including a day of rest, overtime pay and disability benefits, and provides protection against sexual and other forms of harassment
S.2577	Valesky	Makes permanent a section of the labor law to improve the safety of high-voltage line work
S.3357	Onorato	Requires employers to give workers written notice of their regular and overtime rates of pay upon hiring, and obtain written acknowledgment from each worker that they received the notice
S.3358	Onorato	Expands retaliation grounds for workers who file complaints regarding labor law violations and strengthens the recovery of damages against employers for wage underpayments
S.3397-A	Onorato	Requires employers of motor carriers to provide overtime pay to their employees

S.4988	Foley	Protects volunteer firefighters and ambulance drivers from termination if they are late or absent because of volunteering activities
S.5212	Onorato	Allows farm workers one day of rest a week, mandates the use of a farm labor work agreement and requires overtime pay

2010

Unemployment Insurance

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.2245-B	Onorato	Increases the maximum weekly benefit rate for unemployment insurance and increases the taxable wage base
S.2775	Onorato	Expands retraining opportunities for unemployed workers by extending unemployment benefits to individuals in approved training programs
S.3359	Onorato	Eliminates the waiting period for innocent bystanders to collect unemployment benefits during an industrial controversy which they did not cause or participate in
S.4123-A	Onorato	Ensures that professionals employed by two and four-year colleges will be eligible for unemployment insurance during periods of unemployment if they are not given reasonable assurance of continued employment
S.7053	Onorato	Allows confidential information to be withheld from the records of unemployment hearings and appeals, and for hearings to be closed in order to protect claimants' privacy
S.7808	Onorato	Extends for two years the law allowing fees and expenses for registered representatives of unemployment insurance claimants

Construction

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.2248-A	Onorato	Requires that a contractor or subcontractor may not engage another person to work on a public works project unless it is according to a written agreement
S.2814	Onorato	Requires the payment of prevailing wages on construction agreements, leases and bonds between the State University of New York and third parties on SUNY-owned or leased property
S.2904-A	Stewart-Cousins	Requires public work contractors and subcontractors to post wage rates and supplements, and to use sign-in and sign-out sheets at the work site
S.5847-A	Onorato	Enacts the New York State Construction Industry Fair Play Act to prohibit employee misclassification in the construction industry
S.7841	Onorato	Requires the payment of prevailing wages and use of competitive bidding for the construction of charter schools

Workers' Compensation

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.1795	Duane	Enacts the Protection in the Workplace Act to allow employees injured as a result of sexual assault in the workplace to pursue legal action, in addition to workers' compensation benefits
S.2978	Savino	Allows injured employees to use their own pharmacies to obtain prescription medications, provided the pharmacy follows the fee schedule published by the Workers' Compensation Board
S.4631-A	Oppenheimer	Requires the Workers' Compensation Board to reassess rates for health care services every two years to accurately reflect the current cost of health care
S.5857	Stavisky	Increases the number of affirmative votes required for the New York State Insurance Fund to adopt, amend or repeal a rule
S.7409	Onorato	Makes permanent the alternative dispute resolution system to resolve workers' compensation claims in the construction industry

Workplace Rights and Protections

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>
S.1629-A	Oppenheimer	Provides public and private employees the right to review their personnel files
S.1823-B	Morahan	Establishes a civil cause of action for employees who are subjected to an abusive work environment
S.1858	Klein	Requires certain employers to establish qualified transportation fringe benefit programs through which employees may pay for commuting costs out of pre-tax income
S.2124-A	Addabbo	Includes public schools within the definition of employers who are required to develop and implement programs to prevent workplace violence
S.2182-A	Diaz	Establishes the Minimum Standards for Subsidized Jobs Act, which requires entities to pay workers a minimum wage of at least one dollar more than the state minimum wage in order to be eligible for economic development subsidies
S.2247-B	Onorato	Enacts the Farmworkers Fair Labor Practices Act to grant a day of rest, overtime pay, disability benefits and other labor rights to farm workers
S.2311-A	Savino	Enacts labor standards for domestic workers including a day of rest, overtime pay and disability benefits, and provides protection against sexual and other forms of harassment
S.2453	Parker	Enacts the Parental Involvement Leave Act to require employers to grant employees up to 16 hours leave to attend school conferences or classroom activities
S.2956	Adams	Expands protection against retaliation for police officers if they fail to meet quotas for arrests or stops
S.3118-A	Huntley	Increases the amount of liquidated damages payable by an employer for underpayment of wages
S.4520-B	Maziarz	Extends protection against consecutive hours of work by nurses to include certified nursing assistants

S.4988	Foley	Protects volunteer firefighters and ambulance drivers from termination if they are late or absent because of volunteering activities
S.5016-A	Stachowski	Limits the number of consecutive hours of work for nurses in the homecare setting
S.5117-B	Stewart-Cousins	Requires sanitation workers to receive safety training in order to prevent injuries and deaths in the course of sanitation work
S.5202	Savino	Grants a waiver of the civil service examination fee to persons who have completed the displaced homemakers program or job training program
S.5640-A	Thompson	Establishes the green jobs workforce subcommittee of the state workforce investment board to coordinate the state's efforts to develop a workforce for the green economy
S.7060	Klein	Expands retaliation protection to employees who report violations of law, rules or regulations, financial fraud or environmental threats
S.7096-A	Schneiderman	Extends prevailing wage requirements to service workers of utility employers
S.7451	Savino	Allows child care providers to organize, select representatives and engage in collective bargaining with the state regarding their employment
S.7964	Onorato	Provides farm workers with 24 hours of consecutive rest each week

Appendix D

Public Hearings by the Senate Labor Committee

2009

April 22, 2009, “To solicit input on how to define the lowest responsible bidder on public work contracts.”

October 6, 2009, “To study the proposed use of a digital-audio recording system instead of a stenographer to record workers’ compensation hearings.”

2010

January 13, 2010, “To study the loss of revenue flowing to the state’s underground economy as a result of employee misclassification and to review the impact on workers and employers from misclassification.”

February 24, 2010, “To study the Workers’ Compensation Board’s ‘Managed Adjudication Path’ program and its impact on injured workers and employers in the workers’ compensation system.”

Appendix E

Nominations Approved by the Senate Labor Committee

New York State Department of Labor

Colleen Gardner, to be the Commissioner

New York State Workers' Compensation Board

Robert Beloten, to be a Commissioner

Freida Foster-Tolbert, to be a Commissioner

Loren Lobban, to be a Commissioner

Conrad Lower, to be a Commissioner

Samuel Williams, to be a Commissioner

