

2022



LEGISLATIVE AGENDA

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Protect Essential Workers and Provide Support for All Workers Through the COVID Pandemic

Extension of Public Employee Death Benefits

In 2020, the New York State AFL-CIO joined with its affiliates in supporting and passing a law that created a death benefit for survivors of public employees who were required to work during the pandemic, and subsequently died from COVID. This law expires on December 31, 2022 and will need to be extended before the end of the year.

Workers' Compensation/COVID Presumption

The New York State AFL-CIO will advocate for legislation and administrative action to expedite payment of medical care, wage replacement and death benefits for workers and/or their survivors who become ill and/or die because of exposure to COVID while working.

COVID Related Unemployment Improvements

COVID's impact on the state's economy continues to cause instability in the job market and unemployment. The New York State AFL-CIO is supporting several proposals to address the needs of displaced workers:

- Establish state assistance to replace lost federal unemployment benefits and help workers who have not been able to return to work find employment.
- Extend unemployment eligibility to workers who need to voluntarily separate from their employment due to underlying conditions that put them at a heightened risk of serious illness or death.
- Increase the state maximum benefit that is currently frozen at \$504 per week.
- Allow those who receive dismissal/separation pay to remain eligible for benefits.

Hazard Pay for Essential Workers

The New York State AFL-CIO is advocating for enactment of a mandatory hazard pay program to recognize the selfless service of essential workers who, because of their job, faced life-altering physical and mental health challenges. This will help address the increased costs of working during the pandemic, including the cost of purchasing personal protective equipment, accessing child-care and increased transportation costs due to reduced or eliminated mass transit.

Child Care Funding and Access

Funding and programmatic changes are needed to ensure essential workers and all working families have access to childcare. The New York State AFL-CIO strongly supports efforts to eliminate unnecessary red tape that makes it difficult for providers to access federal funding and certification from OCFS. Providers need the funding to help ensure their facilities follow federal and state regulations.

The New York State AFL-CIO is advocating for more state investment and regulatory intervention to increase the number of childcare providers and slots across the state, as well as continued investment in the childcare facilitated enrollment program to make childcare more affordable.





Addressing the 2022-2023 State Budget Deficit

Budget Priority - Restore Vital Public Services & Staffing

Protect Access to Health Care, Mental Health Care & Care for the Developmentally Disabled

The New York State AFL-CIO will oppose attempts to close or downsize services at hospitals, nursing homes, mental health facilities (OMH), addiction services (OASAS) and services to the developmentally disabled (OPWDD). In addition, we will oppose attempts to replace public services with the private operation and ownership of these facilities. The continued diminishment of state-operated programs and services in mental health hospitals and programs for the developmentally disabled has led to extensive waiting lists for services statewide. Too often those who cannot access services end up homeless, incarcerated or in emergency rooms. The state should make significant investments in these services to ensure that New Yorkers in need of care can access treatment.

Properly Fund Public Schools

The New York State AFL-CIO supports a school aid increase in 2022-23 and urges the state to commit to years two and three of the phase-in of fully funding the Foundation Aid Formula, a commitment more than a decade in the making.

Strengthen Medicaid and Eliminate the Global Cap

Medicaid is a lifeline for more than 7 million of New York's most vulnerable residents and a critical support system for our state's safety net hospitals, indigent care and long-term care in nursing homes and home care settings. During the crisis caused by the coronavirus pandemic, almost 650,000 additional New Yorkers relied on Medicaid to ensure access to life-sustaining health care, increasing enrollment by 10%. The Medicaid global spending cap enacted nearly a decade ago was already starving hospitals, nursing homes, home care, and other services of desperately needed funds. The pandemic exacerbated the problem and quickly overwhelmed our entire system. Since then, these facilities have struggled to recruit and retain adequate staffing levels of health care professionals, direct care workers and support staff as well as maintain infrastructure, equipment and supplies. We must invest in our health care system. The New York State AFL-CIO will work with its affiliates to advocate for elimination of the Medicaid global spending cap to address disparate health access and outcomes for Medicaid beneficiaries, and secure sufficient resources for the facilities that provide vital health care in our communities.

Properly Fund State Agencies

The role of state government is to care for and provide critical services to the residents of New York. For years, due to the imposition of an arbitrary 2% state budget cap, state agencies have been deprived of adequate funding to meet the needs of the residents of our state. While not-for-profit agencies provide many important services to state residents, they have no duty or obligation to provide services to the state's most at-risk or neediest residents. Staffing levels at state agencies are dangerously low, making it almost impossible for clients and customers to get access to the programs and services they need in a timely manner. The state should fully fund agencies in order to provide the programs and direct services residents expect and demand without the significant delay many people now face.





Budget Priority - Restore Vital Public Services & Staffing

Increase Aid to Localities

The state needs to provide more funding and assistance to local governments and communities statewide to improve our health and safety programs, schools, quality of life programs, and to strengthen the services working families rely on. Among the hardest hit by the lack of local government funding is workers in social services, including child protective services. The state should ensure its most vulnerable citizens are taken care of, especially children.

Improve Public Transportation

Adequate funding for the MTA and mass transit operations across the state, will remain a priority as will capital investment in mass transit and the state's roads and bridges. The New York State AFL-CIO will oppose the closure, downsizing or privatization of stations or services in transportation and support expansion of bus lanes and commute options.

Adequate Aid for SUNY and CUNY

We must meet the operational and capital needs of SUNY and CUNY to ensure access to, and affordability of a college education.

Support for Home Care

Medicaid-funded home care and direct support workers have risked their lives during the pandemic to provide vital care to our state's most vulnerable. Yet, many of them are unable to support their families on the poverty wages they receive. With the Federal government already investing billions of dollars and poised to continue that investment into the future, now is the time to make these jobs sustainable. We must show that we value the workers who provide such vital services that enable seniors and people with disabilities to remain in the community.

Adequately Staff and Fund the Department of Labor (DOL)

The NYS DOL is responsible for enforcement and oversight of labor laws including hour and wage violations, enforcement of important safety programs such as the NY HERO Act and implementing worker benefit programs such as paid sick days. Labor standards are only as good as the enforcement capacity of DOL. The effectiveness of DOL has been stressed beyond its limits due to years of budgetary constraints and understaffing. Wage theft and any disregard for worker rights are serious crimes and the NYS AFL-CIO will fight for increased resources and staff in the budget process for DOL to better protect workers.

Extend the Empire State Film and Television Tax Credit Program

The film and television production industry employs approximately 50,000 workers in New York State. This tax credit program supports an overwhelmingly unionized industry in which workers have excellent wages and benefits. If the credit lapses or becomes unfunded, the successes gained will be lost as projects will shift to other states and nations with secure incentives.

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Protect the Rights of Workers in the Gig Economy

The proliferation of app-based employment and internet/technological employment has resulted in the misclassification of thousands of workers as independent contractors. Although gig workers have won numerous administrative and court decisions finding that they are employees, there has been a lack of enforcement and compliance resulting in workers being denied basic rights and protections.

Among the rights being denied are minimum wage, workers' compensation, unemployment insurance and the right to organize. At the same time, traditional employers' costs are rising because gig employers avoid paying into these systems, and taxpayers are footing the bill for low-income gig workers that need to access public health and other services that their employers should provide.

The New York State AFL-CIO is working to pass legislation that will codify that gig employers meet the same obligations as all other employers, and clarify that existing rights, including, but not limited to, minimum wage, workers' compensation, unemployment insurance and the right to join a union, will apply to gig and all misclassified workers.

Responsible Contracting

Stop Outsourcing Good Jobs – Require Cost Benefit Analysis

The New York State AFL-CIO supports passage of a cost/benefit analysis requirement before public services can be contracted out. This would require state agencies to conduct a cost comparison review before entering any contract for consultant services valued at \$750,000 or more over a 12-month period to determine if the work could be performed by state employees at an equal or lower cost.

Prevailing Wage Contractor Registration

The New York State AFL-CIO will work on legislation to ensure that contractors on all prevailing wage work are registered with the Department of Labor and in compliance with all relevant labor, tax and workers' compensation requirements.

Public Works on Brownfield Development

New York State taxpayers subsidize much of the clean-up and development of brownfield sites across the state through tax credits and incentives, but projects have been exempted from the labor standards that apply to other public works projects, including prevailing rate and apprenticeship requirements. The New York State AFL-CIO will work with its affiliates to support including brownfield clean-up and development with the same labor and safety protections that all public works projects adhere to.

Prevailing Rate & Permanent Jobs for Industrial Development Agencies (IDA) & Local Development Corporations (LDC)

The New York State AFL-CIO will work on legislation to apply oversight, transparency and claw back provisions that apply to IDAs and LDCs and require prevailing rate on construction projects. The state must also establish better standards for permanent jobs created by employers who accept IDA and LDC assistance.

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Design/Build and Alternative Contracting

The New York State AFL-CIO will oppose attempts to bypass competitive bidding on public works projects without adequate protections ensuring prevailing rate, the use of PLAs and protections for all impacted public employees and the services they provide; including design, inspection and ongoing operation and maintenance services. Taxpayers have a right to representation by civil service employees, including state employed engineers and inspectors, on all job sites funded with taxpayer dollars.

Engage in Responsible Targeted Economic Development

We must focus on tax breaks and economic assistance to industries and companies that create good jobs and steer government funding away from low-wage jobs. Greater transparency and oversight is needed. We must also support prevailing wage and PLAs on construction projects to establish meaningful job standards for permanent positions.

Protect Warehouse Workers from Injury at e-commerce facilities

Distribution centers, particularly with the growth of giant, corporate fulfillment centers, are suffering injuries at a greater rate than in other industries, largely due to inhumane quota systems and lax oversight. We need new solutions to address these new forms of worker surveillance and control. Accordingly, this proposal will create transparency on the quotas that employers use and ensure that employers adhere to health and safety laws, and provide basic rights such as bathroom access and ergonomic protections on the job.

Buy American Rock Salt

This proposal will create a preference for rock salt that was mined in the United States for public agencies that purchase and use it, or related products, on roadways.



Address Climate Change

Address Climate Change

The New York State AFL-CIO supports our affiliates in the energy sector and all other affiliates in addressing climate change and supporting the use of cleaner, more affordable and renewable energy in a responsible way.

- Establish a subsidy program for non-renewable energy systems to help the state achieve its goal of zero emission production by 2040 and require prevailing rate, PLA, Buy American and labor peace agreement labor protections.
- Invest in electric vehicle infrastructure and charging stations across New York State with appropriate prevailing rate, PLA and labor protections. We must also ensure that no workers are displaced as public and private school bus or vehicle fleets are transitioned into electric vehicles and we should enact strong Buy American provisions for the purchase of new electric vehicles.
- Work to build on prevailing rate language included in the 2019 New York State Climate Leadership and Community Protection Act by including project labor requirements and labor peace agreement requirements, just transition funding and support for communities impacted by the new law.
- Support the development of solar, wind and other forms of renewable energy. This development must come with prevailing rate requirements on construction projects and include union representation of workers who generate and transmit renewable energy, and manufacture, operate and install renewable energy infrastructure components.
- Support the efforts of impacted affiliates and their members at current power generation and transmission facilities, and utility employers to make those facilities more efficient to keep them operational.
- Oppose importing power from out-of-state sources that compete with New York's existing power facilities and our growing renewable sector by providing cheap power without adopting similar climate change policies.
- Oppose providing government subsidies for employers and industries in the growing renewable sector that do not commit to creating good jobs with union representation, prevailing rate, bona-fide apprenticeship programs, or do not contribute the same revenues that existing utilities pay at the state and local level.
- Support funding for resiliency projects, dams, drinking water and sewer systems, storm preparedness and other climate related infrastructure improvements.

Better Public Services

Amend the Property Tax Cap

The property tax cap ties the hands of voters and local officials by imposing an inflexible cap on spending of our local cities, towns, villages, and schools, which does not consider many variables that can affect the finances of those communities. The cap should be amended to allow more budget flexibility for enrollment and population growth, for growth attributable to necessary capital improvements and infrastructure investment and spending necessitated by emergencies and/or natural disasters. In addition, the cap should be amended to allow voters of a school district to override the cap with a simple majority vote, rather than a two-thirds majority.

Oppose Charter School Expansion & Fix the Current Law

The New York State AFL-CIO will oppose the further dilution of school district funding by the unfair diversion of taxpayer dollars to charter schools. The New York State AFL-CIO will also support the critical reforms to existing law that will make charter school operators more accountable and transparent to the public. In addition, the New York State AFL-CIO will fight to ensure charter schools adhere to Article 8 of the Labor Law when building conversion or construction is required.

Reform the SUNY Research Foundation & Campus Foundations

Both the SUNY Research Foundation and individual campus foundations operate with virtually no public oversight and have done so for decades. These institutions must be brought in-line with other state agencies in terms of budget oversight and accountability and require that employees hired at these foundations are part of the civil service system.

Eliminate the TAP Gap

Both SUNY and CUNY are impacted by a growing TAP Gap, which is the difference between the maximum TAP award and the cost of tuition, which is not reimbursed by the state. While the cost of tuition is fully covered, the student is indirectly impacted as institutions are forced to make changes and cuts to student programs in an attempt to absorb this growing cost.

Support the Repeal of the NYS School Receivership Law

The New York State AFL-CIO calls for a repeal of the punitive receivership law. The enacted law on receivership attempts to centralize power, privatize public education and strip away local control from parents and their democratically elected school boards. The law mislabels schools, students and educators based on the failed implementation of the Common Core and flawed state standardized test scores, without considering the progress made in existing local turnaround programs. This law blames educators, rather than addressing the real fundamental problems; chronic underfunding and high concentrations of students living in poverty. The New York State AFL-CIO will support the enactment of policies that provide a realistic research-based time frame to turn around these schools properly and research-based solutions and tools that have been proven to close the achievement gap and accelerate student learning.

Strengthen Support for Working Families On and Off the Job

Universal Health Insurance Coverage in New York State

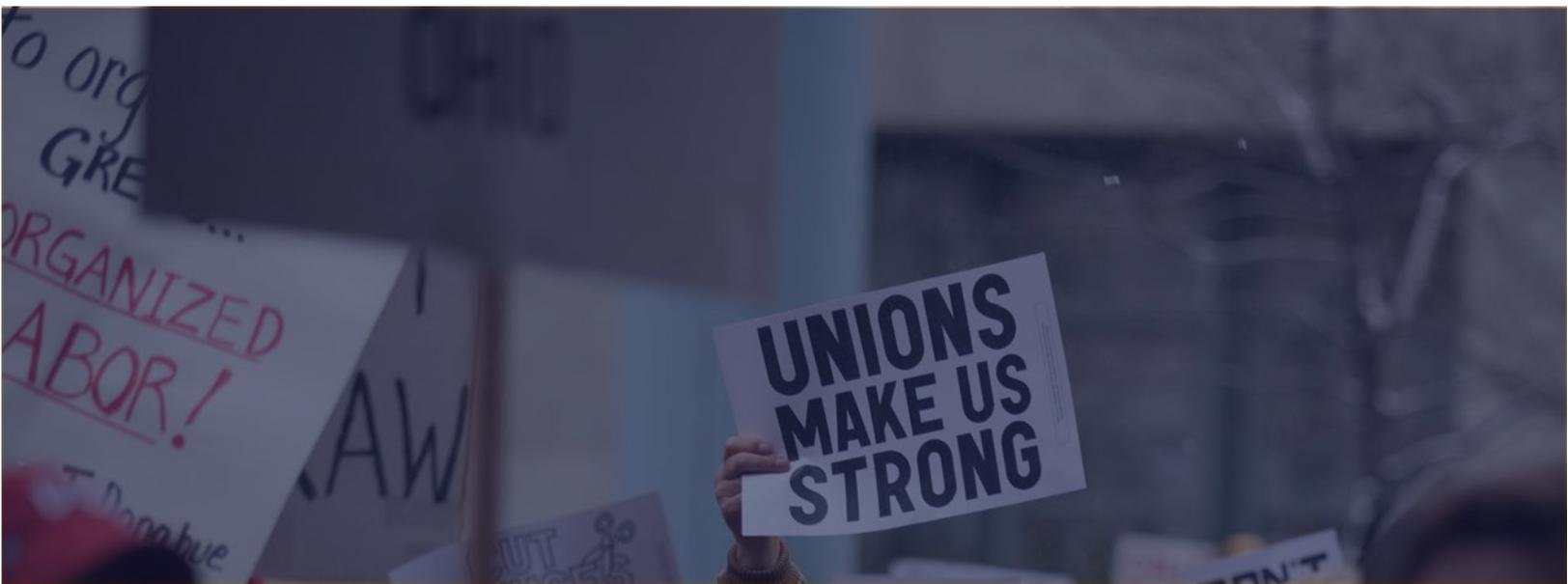
The New York State AFL-CIO will work with its affiliates to develop a state level program that ensures universal access to affordable health insurance coverage for all New Yorkers. The New York State AFL-CIO will fight to protect health insurance benefits that are included in collective bargaining agreements and ensure that the exorbitant profits of health insurance companies are used to pay for expanding access to coverage, increasing the number of health care providers and improving the quality of care.

Workers' Compensation

The New York State AFL-CIO will continue its work to ensure injured and ill workers receive timely, high-quality medical care, effective medication and benefits adequate for those workers and their families to maintain a dignified standard of living during their illness, injury or upon their death. The New York State AFL-CIO will support legislation that enhances benefits, improves care, and speedy access to both. We will strongly oppose corporate attempts to roll back benefits or impede access to care or medication including those that would exclude certain workers or industries from coverage requirements; limit benefits based on geographic region; slash benefits for those who lose use of a body part or prevent injured workers from choosing their medical providers. We will also continue to support initiatives that prevent the insurance industry from exploiting union employers and from unfairly shifting the responsibility for excess losses incurred by low-road employers who operate dangerous workplaces onto union employers. Such initiatives include combating workers' compensation premium fraud by addressing misclassification of employees as independent contractors and ensuring that employers' premiums are based on the appropriate classification code for the work performed.

Strengthen the Prohibition on Mandatory Overtime for Nurses

The New York State AFL-CIO is working with affiliates to enact several improvements to the law prohibiting mandatory overtime for nurses to protect patient and worker safety. Home care employers were excluded from the law. Nurses that provide home care services should be covered. Also, the current law prevents hospitals and nursing homes from requiring mandatory overtime except in emergency cases. However, many facilities have abused this exemption by dragging mandatory overtime out over days and weeks, or in the case of COVID-19 for the entirety of the pandemic. The exemption for mandatory overtime should be narrowed to short-term emergencies that could not have been anticipated. Finally, the initial law lacked an enforcement mechanism. Workers who are wrongfully mandated should be granted additional pay, and employers who violate the law should be fined.



Strengthen Support for Working Families On and Off the Job

Enact Carlos's Law to Improve Worksite Safety

The New York State AFL-CIO will fight for passage of Carlos' Law to amend the Penal Law to create the crime of endangering the welfare of a worker and increase the monetary and criminal liability for placing workers in dangerous situations without adequate protection. Current law makes prosecution of employers that violate safety laws rare and penalties for those found guilty are too lenient. This bill will improve worksite safety and serve to deter employers from making irresponsible and reckless decisions.

Raise the Temporary Disability Insurance (TDI) Benefit

New York State requires private sector employers to provide TDI benefits for workers in the event they are injured while off the job, with the cost being passed on to employees. The benefit is supposed to be 50 percent of a worker's wage with a cap at 50 percent of the state's average weekly wage (AWW). For decades, the benefit has been capped at \$170 per week, making it so low that very few workers are able to make ends meet in the event of an injury. The New York State AFL-CIO is working to increase the TDI benefit to 50 percent of the state's AWW.

Protect the Scaffold Safety Law

This vital safety provision in the Labor Law helps save lives by ensuring that workers who are injured because of fall-related incidents have access to legal recourse. The New York State AFL-CIO will vigorously defend this important safety provision.

Oppose Attempts to Rollback Triborough, Wicks and other Labor Protections

The New York State AFL-CIO will oppose attempts to undo important labor protections and worker rights

Require Employers to Post Veterans' Rights

This proposal will require employers in the state to post documents produced by the Department of Labor and Division of Veterans Affairs informing workers of veteran rights, benefits and programs that are available from public agencies.



Lift Low Wage Workers out of Poverty

Index the Minimum Wage

Better pay means a better life for millions of New Yorkers, but due to outdated and obsolete laws, the value of the minimum wage is becoming eroded due to inflation and other cost-of-living increases. Therefore, the New York State AFL-CIO supports improving the minimum wage law to:

- Index the \$15 minimum wage in New York City and the surrounding suburbs so workers have predictable and reliable increases moving forward, and index upstate's minimum wage after it reaches the \$15 level.
- Make sure all New Yorkers, including public employees and tipped workers are covered by the minimum wage by eliminating the tipped worker exemptions and other carve-outs like the Car Wash Tip Credit.
- Ensure that state-funded health care and social service providers receive adequate increases in funding to cover the increase in the minimum wage.



Empower Working Men and Women

End Unfair Employer “Captive Audience” Meetings

The New York State AFL-CIO will work to pass legislation that prohibits employers from firing or taking other disciplinary action against an employee for refusing to participate in “captive audience” meetings organized by employers to convey their opinions regarding political or religious matters.

Protect Employee Rights in the Wake of the Janus Decision

In response to ongoing and repeated court, legislative and public relations challenges to the unionization rights of public employees, the New York State AFL-CIO will stand with our affiliates to defeat those challenges, protect access to union representation and a fair labor relations process, and ensure that the voices of public employees in the workplace are strong.

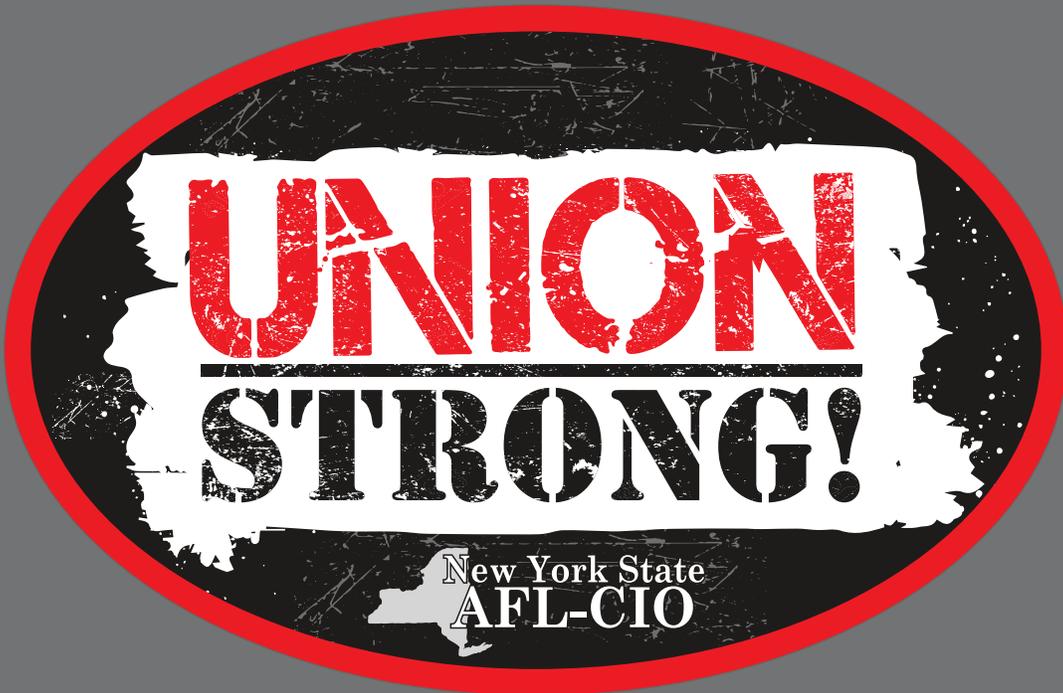
Create Fair Disciplinary Process for State Police Investigators

Provide state police investigators who have been in their position for three years or more, a hearing prior to demotion. Currently, the demotion of an investigator is at the sole discretion of the employer with no due process.

Establish Fairness for Management/Confidential (MC) Employees

The New York State AFL-CIO will work to make sure management and confidential employees of the state receive past pay increases that they have been denied, and work to establish a more methodical and fair system of pay increases moving forward.





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