

2023



# LEGISLATIVE AGENDA

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# Support Recruitment and Retention of Workers

## **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Better pay means a better life for millions of New Yorkers, but due to outdated and obsolete laws, the value of the minimum wage is becoming eroded due to inflation and other cost-of-living increases.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:

- Increase the minimum wage statewide and index it moving forward so there are predictable and reliable increases in the future.
- 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.

## **Ban on Non-Compete Agreements**

The New York State AFL-CIO will work to pass legislation that will prohibit employers from requiring their workers to sign non-compete agreements or other contractual clauses that prohibit their employment after they leave that employer. The use of non-compete agreements has proliferated in many sectors and even though they are generally not enforceable, many employees do not have the legal or financial resources to protect themselves from the abuse of these agreements.

## **Tier 6 Pension Reform**

Tier 6 in the state and local public pension systems drastically increased pension contributions of public sector employees while at the same time rolling back the retirement age, benefit amounts, and various aspects of the different plans that address the unique needs of teachers, law enforcement, firefighters and other special-plan members. These benefit reductions have contributed to recruitment and retention problems in the public sector and have plagued staffing at all levels of government, placing vital public services in jeopardy.

The New York State AFL-CIO and its affiliates were able to pass several Tier 6 reforms in 2022 and we will continue to push for legislation that reduces and standardizes employee contributions, eliminates penalties on pension benefits of longer-tenured employees, recognizes the length of service and age for retirement eligibility, and permanently eliminates caps on the inclusion of wage growth, overtime, and other pay in the calculation of pension benefits.

## **Childcare 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.



# Address Climate Change

The New York State AFL-CIO supports our affiliates, including those in the energy sector, in addressing climate change and supporting the use of cleaner, more affordable, and renewable energy in a responsible way. Our work includes supporting measures to protect current jobs and to ensure that newly created jobs are good union jobs.

- Establish a subsidy program for non-renewable energy systems to help the state achieve its goal of zero-emission energy production by 2040 and require prevailing rate, PLA, Buy American, and labor peace agreement labor protections.
- Invest in zero-emission vehicles (ZEVs) infrastructure and charging stations across New York State with 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 (ZEVs) and we should enact strong Buy American provisions for the purchase of new (ZEVs).
- 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 utilities 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, sewer systems, storm preparedness, and other climate-related infrastructure improvements.
- Support establishing geothermal networks at public buildings including state office campuses, SUNY campuses, state correctional facilities, and county, municipal, and school district buildings.



# 2023-2024 State Budget Priorities

## Budget Priority - Restore Vital Public Services & Staffing

### Properly Fund Public Schools

The New York State AFL-CIO supports a school aid increase in 2023-24. The state should also commit to year three of the phase-in of fully funding the Foundation Aid Formula, a commitment more than a decade in the making, and to fully fund expense-based aids. In addition, we support an effort led by the State Education Department to update the Foundation Aid Formula.

### Strengthen Medicaid

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. The global coronavirus pandemic exposed deep structural inequities in our healthcare system. The additional Federal funds that helped to keep safety net providers afloat have now run out, but these community providers have yet to fully recover from the impact of the pandemic. This instability is coupled with a growing staffing crisis, as increasingly difficult working conditions have driven many healthcare workers away. We must invest in our healthcare system by significantly raising Medicaid rates for the first time in over a decade. The New York State AFL-CIO will work with its affiliates to advocate for increased funding 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 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

## **Reinvest in NY Healthcare Act**

The New York State AFL-CIO strongly supports this bill which will tax the profits that healthcare insurance companies send out of state and dedicate those funds to fiscally distressed hospitals.

## **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, and quality of life programs, and to strengthen the services working families rely on. Among the hardest hit by the lack of local government funding are workers in social services, including child protective services. The state should ensure its most vulnerable citizens are protected, 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 the expansion of bus lanes and commuter options.

## **Critical Aid for SUNY and CUNY**

We must meet the operational and capital needs of SUNY and CUNY, which calls for an extensive investment of public money to ensure that these institutions of public higher education can continue to provide access to an affordable, quality college education. Additionally, the SUNY teaching hospitals must be a priority in this year's budget, given their critical role in health care and educating the next generation of medical professionals.

## **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 the enforcement and oversight of labor laws including hour and wage violations, enforcement of important safety programs such as the NY HERO Act, and implementation of worker benefit programs such as paid sick days. Labor standards are only as good as the enforcement capacity of the DOL. The effectiveness of the 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. The New York State AFL-CIO will fight for increased resources and staff in the budget process for the DOL to better protect workers.



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## Responsible Contracting & Creating Good Jobs

### 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 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.

### 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 are needed. We must also support prevailing wage and PLAs on construction projects to establish meaningful job standards for permanent positions.

### 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.



# 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 it 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, accountability, and transparency. Employees hired at these foundations must be part of the civil service system.

## **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 Workers and Their Families On and Off the Job

## 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 will work 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.

## 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 speeds 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 the 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 the misclassification of employees as independent contractors and ensuring that employers' premiums are based on the appropriate classification code for the work performed.



# Strengthen Support for Workers and Their Families On and Off the Job

## **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.

## **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 was historically set at 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 at least 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.



# Empower Working People

## **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.

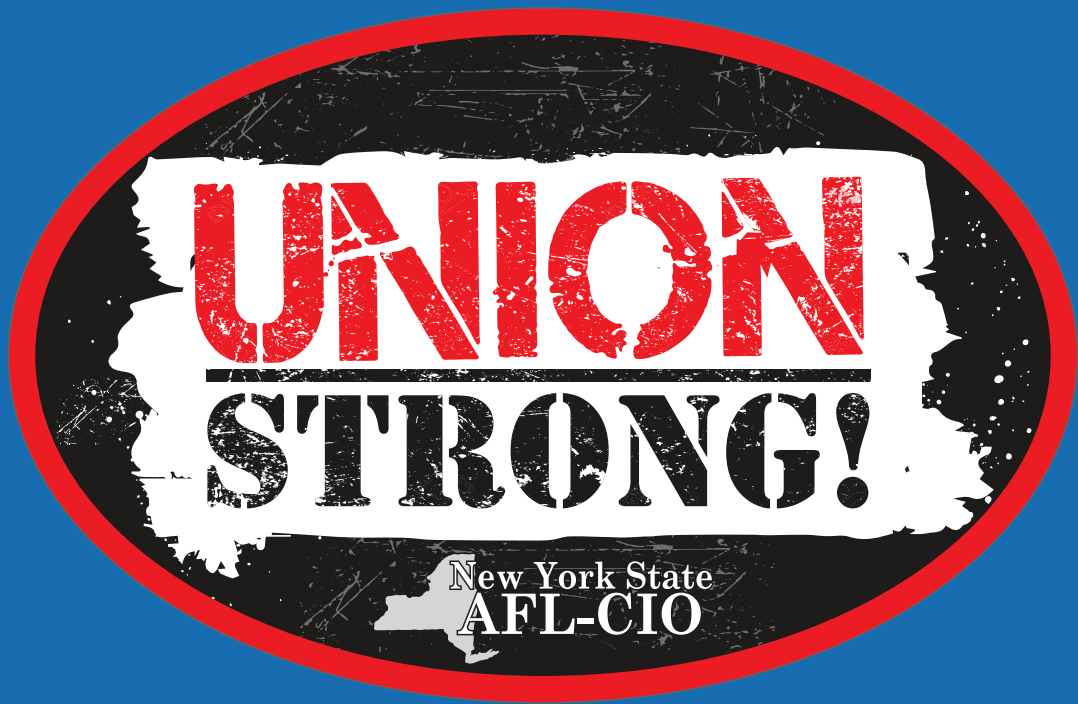
## **Autonomous Vehicles**

The NYS AFL-CIO opposes proposals to expand and allow the use of autonomous vehicles and opposes eliminating a law that requires a live operator in control of motor vehicles.

## **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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