

2024 End of Session Report



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The attached bills passed both houses of the legislature in the final weeks of the 2024 legislative session. This is not a full listing of every bill we worked on with our affiliates but only a list of bills that are of general interest to the broader labor movement. Updates and additions will be coming as we continue to work with our affiliates. A full session breakdown including the Governor's actions on these bills will be available later in the year.

LOADinG Act - Legislative Oversight of Automated Decision-making in Government

(S7543-B Gonzalez / A9430-B Otis) This bill requires legislative approval for the use of Artificial Intelligence (AI) by the state and ensures that the public is aware of which state agencies are using it and for what purposes. It also requires monitoring of the acquisition and implementation of AI systems and periodic reviews of those applications. This legislation would also protect state workers from displacement caused by the use of AI. If enacted, this legislation will become effective immediately.

IDA Labor and School Representation (A7532-B Solages / S4040-B Mayer) This bill amends the general municipal law to require the legislature of every local government that has an Industrial Development Agency (IDA) to appoint a labor organization representative and school district representative on the board of each IDA. This will help ensure that appropriate public input is included when IDAs make offers of tax breaks or other local assistance for economic development. If enacted, this legislation will become effective immediately.

Workers' Compensation Coverage for Extreme Stress (S6635 Ramos / A5745 Reyes)

This bill prevents employers and insurance carriers from denying otherwise valid claims for work-related extreme stress/PTSD by claiming that the worker should have expected to experience the level of stress that caused the injury. Employers and carriers were prohibited from asserting this defense in cases involving first responders by legislation enacted in 2017. This bill expands those protections to all workers. If enacted, this legislation will become effective on January 1 of the year after it is enacted.

Public Sector Issues

FOIL Disclosure for Public Employees (A6146-B Buttenschon / S5500-B Skoufis) This legislation amends the Public Officers Law to require state agencies to inform public employees when a FOIL request has been made for their disciplinary records. If enacted, this legislation will take effect immediately.

Civil Service Exams Timeline (A8876 Pheffer-Amato / S8216-A Jackson) This bill would allow prospective applicants to take an exam for civil service employment if they are within twelve months of fulfilling the age and educational requirements. Currently applicants must be within six months of the minimum age requirement. If enacted, this legislation will take effect immediately.

Provisional Time for Promotional Exams (S8557 Jackson / A9386 Pheffer-Amato) This legislation amends the Civil Service Law to allow a permanent public employee to apply the time spent working as a provisional employee towards the time they must work to take a promotional exam. Employees are currently not able to apply their time spent working as a provisional employee against their time requirement to take a promotional exam. If enacted, this legislation will take effect immediately.

Managerial and Confidential Representation (A3767-B Pheffer Amato / S 2394-B Jackson) This bill amends the Civil Service Law to afford the rights and privileges of recognized and certified employee organizations to those that represent "managerial" or "confidential" employees except for the purposes of collective negotiations. If enacted, this legislation will take effect immediately.

Public Employee Fitness for Duty Determinations (A9932 Pheffer Amato / S8960 Jackson) This bill amends Section 72 of the Civil Service Law to create a binding process for public employees to seek review of employers' decisions about their physical or mental fitness for duty. If enacted, this legislation will take effect immediately.

Workplace Bullying Prevention (S3065-B Ramos / A8934-A Bronson) This legislation would broaden the scope of workplace violence prevention programs by requiring public employers with twenty or more permanent full-time employees to teach and train employees on workplace bullying prevention and how to report workplace bullying and abusive conduct. If enacted, this legislation would take effect 180 days after it is enacted.

Fire and Police Binding Arbitration Extender (A9516 Pheffer Amato / S8746 Jackson) This legislation extends the authorization for fire and police binding interest arbitration for five years, until July 1, 2029. If enacted, this legislation will take effect immediately.

Fitness for Duty Disclosure (A9935 Pheffer Amato / S8948 Jackson) This legislation would require public employers to disclose to employees the basis for determining that such employees are not fit for duty along with associated documentation. If enacted, this legislation will take effect on January 1 of the year after it is enacted.

Education

Annual Professional Performance Review Reform (A9849 Benedetto / S9054 Mayer) This legislation would reform the state's teacher performance review process to focus on professional development and support for teachers while returning control over the process to local school districts and BOCES. If enacted, this legislation will become effective immediately.

Anti-Violence Programs in Schools (S4598-D Bailey / A4917-D Anderson) This bill would include anti-violence education programs in schools as an authorized use of funding under the existing omnibus school violence prevention grant program. If enacted, this legislation would take effect immediately.

Extreme Temperature in Schools (S3397-A Skoufis / A9011-A Eachus) This bill amends the Education Law by adding a new section 409-n, which sets a maximum temperature of 82 degrees Fahrenheit for all school facilities and mandates that schools take steps to alleviate discomfort caused by the extreme heat. This legislation also requires emergency evacuation if the temperature reaches 88 degrees Fahrenheit. If enacted, this legislation would take effect 180 days after it is enacted.

Construction

Contractor Electronic Certified Payroll (A9265-A Bronson / S8608-A Ramos) This legislation would create an electronic certified payroll system for all prevailing wage projects in the State. This will provide a much more efficient and effective process for the Department of Labor to collect payroll information that it is already required to report by law, and maintain it in a centralized, publicly accessible system. If enacted, this legislation will become effective immediately.

Brownfield Prevailing Rate (S5868-B Harckham / A7491-B Bronson) This bill amends the Environmental Conservation Law and creates a new section of labor law to require that projects of \$5 million or more pay prevailing wage where 30% of the project costs come from brownfield tax credits and/or other public funds. If enacted, this legislation will become effective on January 1 of the year after it is enacted.

NYC Alternative Project Delivery (S9849 Comrie / A10543 Rules (Braunstein)) This bill would expand the authority of the City of New York to use alternative project delivery methods. This bill would authorize the City to use construction manager build contracts in addition to currently-authorized design build contracts. If enacted, this legislation will take effect immediately and apply to public work for which requests for proposals are issued on or after that date. Existing construction labor standards and public employee protections will apply.

Buffalo OCIP (A10362-B Rules (Wallace) / S9327-B Ryan) This bill would authorize the use of owner-controlled insurance programs also known as wrap-up insurance for construction at SUNY Buffalo, Kensington Expressway and Humboldt Parkway reconstruction, and extensions of the Niagara Frontier Transportation authority railroad tracks. In order to qualify, projects of over \$5 million must be constructed pursuant to a project labor agreement. If enacted, this legislation will become effective immediately.

NYC Joint Bidding Extension (S9709 Sepulveda / A10401 Rules (Braunstein)) This bill would extend for one year, from December 31, 2024, to December 31, 2025, the authority of New York City to use joint bidding for utility interference work necessitated by public work projects. If enacted, this legislation will become effective immediately.

Coordinated Construction Act for Lower Manhattan Extension (S9710 Sepulveda / A10400 Rules (Braunstein)) This bill would extend for one year, from December 31, 2024, to December 31, 2025, the authority of New York State and New York City to use joint bidding for utility interference work necessitated by public work projects in Lower Manhattan. If enacted, this legislation will become effective immediately.

General Labor

Automobile Broker Regulation (A3499-B Carroll / S7553-A Thomas) This bill amends the General Business Law to establish standards and accountability within the automobile brokering industry. It ensures fair competition and creates transparency and consumer protections in the automotive market. If enacted, this legislation will become effective immediately.

Automobile Warranty Reimbursement (A4066-B Burgos / S5085-C Kennedy) This bill amends the Vehicle and Traffic Law to establish a process for setting the reimbursement rates that automobile dealers receive from manufacturers for warranty repair services that dealers are required to provide to consumers. If enacted, this legislation will become effective immediately.

Entertainment Worker Digital Fraud Protections (S7676-B Ramos / A8138-A Weinstein)

This legislation amends the General Obligations Law to require employers to provide informed consent and ensure proper talent representation before an individual's rights to voice or likeness can be licensed. If enacted, this legislation will become effective on January 1, 2025 and apply to contracts entered into or modified on or after that date.

Utility Call Center Work Location Flexibility (S8626-A Mannion / A9444-A Cruz) This legislation amends the Public Service Law to permit a gas or electric corporation and a bona fide labor organization representing call center employees to initiate a work flexibility arrangement through a collective bargaining agreement to permit employees to work from approved alternative worksites. If enacted, this legislation will take effect immediately.

Call Center Procurement Workforce Retention (A8939-B Bronson / S6328-B Ramos) This bill requires government entities to ensure that bidders for call center services agree to retain existing workforces. After a probationary period, the employees must be evaluated, and if the work has been satisfactory, the employee must be offered continued employment. If enacted, this legislation will take effect immediately.

Direct Shipment of Liquor (S2852-A Skoufis / A3132-A Lupardo) This bill would authorize the intrastate and interstate shipment of liquor, cider, mead, and braggot directly from producers to residential customers in New York. If enacted, this legislation will become effective 90 days after it is enacted.

Climate Change Superfund Act (S2129-B Krueger / A 3351-B Dinowitz) This legislation would establish the climate change adaptation cost recovery program and the climate change adaptation fund. The cost recovery program would demand payment from fossil fuel companies in proportion to their respective share of historic greenhouse gas emissions. Those payments would be deposited into the climate change adaptation fund which would invest in climate change adaptive infrastructure projects. Such investment would be subject to comprehensive labor standards and domestic content requirements. If enacted, this legislation will take effect immediately.

Elimination of Minimum Earning Requirement for Child Care Subsidies (A1303-A Clark / S4924-A Ramos) This legislation amends the Social Services Law to eliminate the minimum earnings requirement to qualify for child care subsidies. This will expand child care subsidy access to those working non-traditional hours such as gig workers and misclassified workers. If enacted, this legislation will take effect immediately.

Healthcare

Creative Arts Therapist Medicaid Direct Billing (A9018 Bronson / S8715 Brouk) This bill would authorize creative arts therapists to bill Medicaid directly. If enacted, this legislation will become effective 91 days after it is enacted.

Physician Assistant Practice Standards (S9038-A May / A8378-A Paulin) This legislation would limit the number of physician assistants a physician can supervise at one time to no more than six, except if they practice in the department of corrections and community supervision, where physicians would be limited to supervising eight physician assistants at one time. It would also clarify other aspects of physician assistant practice standards. If enacted, this legislation will become effective 3 months after it is enacted.

Nursing Home Closure Requirements (A3703 Epstein / S2984 Kavanagh) This bill amends the Public Health Law by requiring nursing home operators to prepare a closure plan ninety days before a facility's closure and deliver the notice to the State Department of Health; and the local executive body, legislative body, and community boards where the nursing home is located. Before any further action can be taken by the operator, the plan must be approved by the Commissioner of the State Department of Health and posted on the State Department of Health's website. If enacted, this legislation would take effect on the 1st day of April after it is enacted.

Workers' Compensation

Enhancing Injured Workers' Access to Care - (S6929 Fernandez / A6832-A Lunsford) This bill would clarify that workers' compensation medical treatment guidelines are not to be used as justification to deny care. It would increase the threshold for care not subject to preauthorization requirements from \$1,000 to \$1,500. The bill would also require out-of-network testing providers to be reimbursed at the same rate as in-network providers. If enacted, this legislation will become effective immediately.

Injured Worker Pharmacy Choice (S1974-A Ramos / A1219-A Bronson) This legislation would ensure that injured workers have the right to use the pharmacy of their choice to receive medicine prescribed to treat their workplace illness or injury. This bill would prevent delays in care by allowing workers to choose pharmacies, not dominated by their employer or their employer's carrier, that will dispense necessary medicine during the pendency of legal challenges. If enacted, this legislation will become effective 60 days after it is enacted.

Authorization for Occupational and Physical Therapy Assistants to Treat Injured Workers

(A1204- Zebrowski / S9462-A Ramos) This legislation would authorize occupational therapy assistants, under the supervision of occupational therapists; and physical therapy assistants, under the supervision of physical therapists, to receive workers' compensation reimbursement for treatment of injured workers. An already existing section of law would prevent these titles from serving as expert witnesses for the worker or the carrier/employer as to the causation or degree of disability. If enacted, this legislation will become effective 30 days after enactment.

Workplace Safety

Retail Worker Safety Act (A8947-C Reyes / S8358-C Ramos) This bill amends the Labor Law to require retail employers to develop workplace violence prevention plans, requiring a thorough analysis of worksites for areas that are vulnerable to organized theft rings and corrective action as needed. Large retail employers would be required to install panic buttons workers can use to contact authorities during emergencies. The bill will also require training of retail workers on appropriate safety measures that can be implemented, self-defense, effective communication and interaction with law enforcement and emergency personnel, and best practices for de-escalation and violence deterrence techniques. If enacted, this legislation will become effective 180 days after it is enacted.

Warehouse Injury Reduction Act (S5081-C Ramos / A8907-A Bronson) This legislation would amend the Labor Law to require warehouse employers to establish workplace safety plans to reduce the incidence of musculoskeletal injuries. This legislation includes staggered effective dates; if enacted, it will take full effect on June 1, 2025.

Protecting Veterans in the Workplace

Military Leave for Port Authority Employees (A6834-A Jean-Pierre / S6623 Scarcella-Spanton) This bill expands New York State Military Law under Section 242 to include employees of the Port Authority of New York and New Jersey, giving them military leave parity with other New York State public officers and employees. If enacted, this legislation would take effect upon the enactment of identical legislation in New Jersey.

Veterans' Liaison in State Agencies (A7173 Jean-Pierre / S7544 Scarcella-Spanton) This legislation amends the Veterans' Services Law to require state agencies to appoint a veterans' liaison within each agency to better serve veterans and help promote recruitment and professional development of veteran employees. If enacted, this legislation will become effective 90 days after it is enacted.