

**Agency Programs/Activities: Inventory and Key Data
Department of Labor**

Relation to Core Mission (H/M/L)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s)				Capital Projects Funds Disbursements (\$000s)			
				2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
	DOSH - Industry Inspection	SO	56.95					\$ 4,487	\$ 5,233	\$ 5,532	\$ 5,980				
H	Explosives														
M	Public Assembly														
H	Blaster														
H	Crane Operator														
M	Tramways														
L	Laser														
H	Amusement Device														
H	Scaffold														
H	Window Cleaning														
L	Coin Operated Machines														
M	Aerial Performers														
L	Glass Doors														
M	High Voltage Proximity														
	DOSH - Asbestos	SO	26.47					\$ 2,646	\$ 3,062	\$ 3,236	\$ 3,498				
H	Registration														
H	Certification/License														
H	Project Notification														
H	Inspection														
H	Penalty														
	DOSH - Boiler	SO	26.47					\$ 2,077	\$ 2,311	\$ 2,443	\$ 2,641				
L	Certificate of Comp.														
H	Inspection														
L	National Quarterly Exam														
H	Shop Survey														
H	Penalty														
H	Internal														
H	External														
H	Antique														

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	DOSH - Engineering Services	SO	5					\$ 458	\$ 490	\$ 518	\$ 560				
H	Building Plans Exam														
H	Permanent Variance														
M	Asbestos Variance														
H	Tents and Stands														
H	Scaffolds														
H	DOSH - Licensing and Cert <1	SO	7					\$ -	\$ 216	\$ 547	\$ 592				
L	DOSH - Radiological Health Unit <2	SO	0					\$ 365	\$ -	\$ -	\$ -				
M	DOSH - Admin	SO	6.75					\$ 1,689	\$ 2,060	\$ 1,859	\$ 2,009				
M	DOSH - On-Site <3	10% State SO	3.6					\$ 347	\$ 346	\$ 366	\$ 396				
H	DOSH - PESH <3	50% State SO Match	34					\$ 3,391	\$ 3,450	\$ 3,647	\$ 3,942				
	<4	100% State SO Overmatch	12					\$ 677	\$ 662	\$ 700	\$ 757				
M	DOSH - Mine Safety <3	20% State SO	0.7					\$ 57	\$ 56	\$ 59	\$ 64				
	Labor Standards	SO	159.75					\$ 11,951	\$ 13,183	\$ 13,935	\$ 15,063				
H	Minimum Wage and Farm Minimum Wage Acts														
H	Wage Payment														
H	Employment of Minors														
H	Hours of Labor														
H	Migrant Labor														
H	Apparel Task Force														
L	Industrial Homework														
M	Employment Agencies														
M	PEO														
H	Fair Wages Task Force														

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H	Child Performer		4					\$ 140	\$ 144	\$ 233	\$ 250				
	Public Work	SO	59.79					\$ 4,790	\$ 5,100	\$ 5,391	\$ 5,828				
H	Prevailing Wage Enforcement														
H	Prevailing Wage Penalty														
H	PWEF	SO	42.05					\$ 2,400	\$ 2,811	\$ 3,180	\$ 3,412				
H	Worker Protection AS&T	SO	52.9					\$ 5,557	\$ 7,195	\$ 7,605	\$ 8,221				
L	OSH T&E	SO	13.9					\$ 6,117	\$ 6,956	\$ 7,143	\$ 7,276				
H	Workers Comp. Return to Work	SO	2.2					\$ -	\$ 294	\$ 311	\$ 336				
H	IBA	SO	5					\$ 815	\$ 1,054	\$ 1,114	\$ 1,204				
L	Hazard Abatement - Capital Abatement Program	SO	0					\$ 213	\$ 79	\$ 79	\$ 85				
H	ERB	General Fund	17.6	\$ 1,566	\$ 1,064	\$ 1,630	\$ 1,796								
M	AED	General Fund	0	\$ 0	\$ 200	\$ 98	\$ 0								
H	State Administration/Bureau of Immigrant Workers Rights	SO	4.4					\$ 352	\$ 329	\$ 348	\$ 376				
H	Empire Zones	SO	11					\$ 761	\$ 908	\$ 960	\$ 1,038				
H	WETC	SO	3.8					\$ 228	\$ 283	\$ 299	\$ 323				
H	Apprenticeship Training	SO	35.1					\$ 4,118	\$ 3,299	\$ 3,814	\$ 4,092				
H	UISIM	SO	0					\$ 1,150	\$ 1,016	\$ 0	\$ 0				

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	LOCAL ASSISTANCE 001:														
M	DHP	ATL	See 007 below	\$ 2,423	\$ 4,260	\$ 3,000	\$ 0								
L	Chamber	ATL	0	\$ 609	\$ 209	\$ 700	\$ 663								
M	Utica DWAC	ATL	See 007 below	\$ 575	\$ 179	\$ 192	\$ 192								
L	Other Legislative Adds 001	ATL	0.8	\$ 8,981	\$ 7,650	\$ 10,000	\$ 1,253								
	SUBTOTAL GENERAL FUND/SRO		591.23	\$ 14,154	\$ 13,562	\$ 15,620	\$ 3,904	\$ 54,786	\$ 60,537	\$ 63,319	\$ 67,943	\$ -	\$ -	\$ -	\$ -
	COMMUNITY PROJECTS 007:														
M	DHP	ATL	1.8	\$ 0	\$ 0	\$ 1,400	\$ 1,771								
M	Utica DWAC	ATL	5.5	\$ 0	\$ 0	\$ 450	\$ 8								
L	Other Member Items 007	ATL	0	\$ 3,609	\$ 2,396	\$ 4,500	\$ 2,500								
	TOTAL DOL		598.53	\$ 17,763	\$ 15,958	\$ 21,970	\$ 8,183	\$ 54,786	\$ 60,537	\$ 63,319	\$ 67,943				
	OTHER AGENCY FUNDING:														
H	HWRI	MOU w/ DOH	9.8	\$ 1,267	\$ 1,163	\$ 1,117	\$ 1,117								
M	DOSH - EPA	MOU	1.1					\$ 150	\$ 150	\$ 150	\$ 150				
H	Workers' Compensation - Occupational Injury Survey	Workers' Comp SO	4.3					\$ 343	\$ 329	\$ 417	\$ 446				

<1 The Licensing & Certificate Unit was part of the Worker Protection Processing unit for 2006-2007 and part of 2007-08

<2 The Radiological Health Unit was transferred to the Department of Health in July 2006.

<3 Represents the required state match for the federal award. The federal share is accounted for in the 480 fund on a separate sheet.

<4 Represents the state funds spent on the program in excess of the required match to the federal award. The federal share of the PESH spending is accounted for in the 480 fund on a separate sheet.

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Department of Labor**

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				2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
	Federal Program Administration - 480 Fund <1						
H	Unemployment Insurance		1,712.7 <4	\$ 179,273	\$ 162,693	\$ 180,471 <4	\$ 195,626
H	Wagner/Peyser		370.5	\$ 41,122	\$ 37,319	\$ 41,397	\$ 44,873
H	Reemployment Services		320.3	\$ 36,733	\$ 33,335	\$ 36,978	\$ 40,083
H	UI Renovations		-	\$ 61	\$ 55	\$ 61	\$ 67
H	Veterans Employment & Training		77.3	\$ 8,413	\$ 7,635	\$ 8,470	\$ 9,181
H	Bureau of Labor Statistics		43.6	\$ 4,420	\$ 4,012	\$ 4,449	\$ 4,823
H	Other Federal Programs		366.9	\$ 34,813	\$ 31,592	\$ 35,045	\$ 37,988
H	Total 480 Fund Programs	SO	2,891.3	\$ 304,835	\$ 276,641	\$ 306,871	\$ 332,641
H	Unemployment Insurance Benefits - 481 Fund	SO	Not Applicable	\$ 2,172,634	\$ 2,220,269	\$ 3,422,000	\$ 2,849,800
H	Regular UI Benefits		Not Applicable	\$ 2,172,634	\$ 2,220,269	\$ 2,652,000	\$ 2,769,800
H	Extended Benefit Compensation of 2008		Not Applicable	NA	NA	\$ 770,000	\$ 80,000
H	Trade Adjustment Assistance Benefits (TRA) - 484 Fund	SO	Not Applicable	\$ 17,903	\$ 14,069	\$ 14,000	\$ 14,000
	Workforce Investment Act - 486 Fund <1, <2		Not Applicable <3				
H	Adult Program (Includes Statewide Activities)			\$ 67,478	\$ 65,648	\$ 64,406	\$ 64,406
H	Youth Program (Includes Statewide Activities)			\$ 59,445	\$ 54,927	\$ 53,888	\$ 53,888
H	Dislocated Worker Program (Includes Rapid Response and Statewide Activities)			\$ 71,314	\$ 69,055	\$ 67,749	\$ 67,749
	National Programs			\$ 2,019	\$ 3,957	\$ 8,957	\$ 8,957
	Total 486 Fund Programs	ATL with transfers to SO	143.0	\$ 200,256	\$ 193,587	\$ 195,000	\$ 195,000

<1 In conformity with federal regulations, NYSDOL administers its Financial Accounting System using an accrual, not a cash, basis. As a result, the distribution of cash disbursements was estimated to program using the same relative share as was, or is, expected to be experienced for expenditures including accrued

<2 WIA 2006-07 and 2007-08 actual per OSC Single Audit ASC 370A report. 2008-2009 based on \$5 million increase to National Programs WIRED spending with other programs proportionate to 2007-08.

<3 WIA administration positions are shown in the 486 for information only. The 143 positions shown are included above in the 480 positions other category.

<4 Has not been adjusted to address the Extended Unemployment Compensation Program. If necessary, in the future, DOL will adjust the estimates if determined necessary and appropriate.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Automated External Defibrillators (AED)

Mandate: Section 140 of the Public Buildings Law

Mandated Funding Level: None

Brief Description/History/Background:

Chapter 501 of the Laws of 2004 required all public institutions and buildings of the state to be equipped with automatic external defibrillators (AEDs) by March 31, 2010. Each agency was required to comply with all of the associated AED regulations and submit specified reports and documentation to OGS. OGS promulgated the regulations for the phased-in installation and managed the funding provided to the agencies.

Issues:

None.

Population Served:

Employees and visitors of NYS DOL buildings.

Performance Measures:

Each DOL building equipped with AEDs by March 31, 2010.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Workers with Disabilities Employment Tax Credit (WETC)

Mandate:

New York State Department of Labor staff must review IRS form 8850 and: review all WETC applications, issue tax credit certificates for eligible applicants; develop and maintain a WETC application and tracking database; market WETC as part of the Department's overall workforce efforts; train VESID, CBVH and not-for-profit provider agency staff on WETC; provide technical assistance to state agencies, providers and businesses; issue monthly program activity reports on WETC to VESID and CBVH; and ensure that the integrity of the WETC program is maintained through internal controls.

Mandated Funding Level:

Brief Description/History/Background:

The Workers with Disabilities Employment Tax Credit provides New York State employers with a tax credit of up to \$2,100 for hiring individuals with disabilities. Since its creation in 1997, WETC has become an integral part of the State's commitment to helping individuals with disabilities overcome barriers to employment. WETC can be used in conjunction with the federal Work Opportunity Tax Credit (WOTC) and NYS Empire Zone wage tax incentive.

Issues:

Population Served:

Employers who hire individuals with disabilities.

Performance Measures:

None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Asbestos Control Bureau

Mandate: Article 30, NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

The Asbestos Control Bureau oversees the abatement of toxic hazards associated with asbestos fiber during the rehabilitation, reconstruction or demolition of buildings and other structures originally constructed with asbestos or asbestos containing materials. The Bureau enforces the New York State Labor Law and Industrial Code Rule 56 (Asbestos). Requirements of this code include the licensing of contractors, certification of all persons working on asbestos projects, filing notifications of large asbestos projects and pre-demolition survey of buildings to identify any asbestos materials. The Bureau works closely with the Environmental Protection Agency (EPA) and national databases established under the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), the National Asbestos Registry System (NARS), and the Asbestos Contractor Tracking system (ACTS).

Issues:

Population Served:

The General Public Statewide.

Performance Measures:

Timely response - % of requests for action responded to within target time periods established by each program measure:

Assign emergency notifications 100% by start date - notification 60%

100% of the violations resolved in 120 days of issuance by stipulation or referred to Counsel.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Labor Market Information (LMI) Cooperative Statistical Programs and Activities, administered by the Bureau of Labor Statistics (BLS) (480 fund)

Mandate:

The BLS is authorized to collect labor market information pursuant to the 1884 statute (29 USC 1), an Act to Establish the Bureau of Labor, as amended. Section 14 of the Wagner-Peyser Act (29 USC 49f(a)(3)(D)) authorizes the Secretary of Labor to reimburse the States to provide data for national statistical programs. The Workforce Investment Act of 1998 amended the Wagner-Peyser Act by adding a new section 15, "Employment Statistics," which authorizes the Secretary to "...oversee the development, maintenance, and continuous improvement of a nationwide statistics system of economic statistics..."

Mandated Funding Level:

Funds are made available through enactment of a Department of Labor appropriation, or another action such as a continuing resolution. Program funding levels are based on the President's Budget submitted to Congress in February. If the appropriation differs from the President's Budget, then the cooperative agreement may be renegotiated.

Brief Description/History/Background:

The Bureau of Labor Statistics (BLS) is the Federal agency responsible for conducting research related to labor economics and for collecting and analyzing employment and occupational statistics. Since 1917, the BLS has engaged in cooperative arrangements with States to use employment statistics collected by the States in a national-State network of data. This network of statistical programs now extends to more than 50 political jurisdictions and includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and selected programs in Guam and the Virgin Islands.

Some of the statistics gathered by states are:

Current Employment Statistics (CES) - Employment estimates, average weekly and hourly earnings, and average hours worked in nonagricultural industries, based on payroll records for non-supervisory workers

Local Area Unemployment Statistics (LAUS) - Total employment, labor force, unemployment, and the unemployment rate.

Occupational Employment Statistics (OES) - Estimates of the number of workers and wage ranges by occupation in nonagricultural industries.

Quarterly Census of Employment and Wages (QCEW) - County level employment and wage data, including monthly employment, total quarterly wages, taxable wages, and contributions.

Mass Layoff Statistics (MLS) - Detailed information on potential and permanent job cutbacks, including the resultant unemployment registered at the State and area levels.

Survey of Occupational Injuries and Illnesses (SOII) - Statewide information on the number, types, causes, and amount of worktime lost as a result of injuries and illnesses that occur in the workplace.

Issues:

Federal funding levels remain stagnant from year-to-year while all costs increase. This results in a declining level of staff that can be supported by these grants.

Population Served:

New York State

Performance Measures:

The Department has to adhere to quarterly fiscal and performance reporting for BLS funding. In addition to the federal requirements, the agency has imposed additional performance measures on itself to ensure that the level and quality of customer services meets our agency standards, which include, but is not limited to, the monitoring of customer satisfaction, improving cooperation with external agencies, enhancement of web tools used by our customers and the timely delivery of contracted services.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Displaced Homemaker Program

Mandate: None

Mandated Funding Level:

None.

Brief Description/History/Background:

This program provides vocationally related services to individuals who have been displaced from their positions as unpaid homemakers and who must enter the workforce. Participants acquire the knowledge necessary to develop and implement sound vocational plans that lead to stable employment and economic independence.

Issues:

It is believed that the consistent reduction in funding levels has reduced the quality of services provided to Displaced Homemakers as well as the effectiveness and performance of the program.

Population Served:

Individuals who have been displaced from their positions as unpaid homemakers.

Performance Measures:

Quarterly reporting on number of participants served, number of participants entering employment, number of participants retaining employment and average earnings.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Chamber of Commerce

Mandate:

None.

Mandated Funding Level:

None.

Brief Description/History/Background:

This program is designed to assist business in the creation of new jobs and the upgrading of their current workforce by providing reimbursement of up to 50% of the extraordinary costs associated with training their employees. New York State businesses may participate in the program if they can provide the trainee with long-term employment in an occupation that is sufficiently skilled and in-demand.

Issues:

If there is a reduction in funding levels, this will reduce the quality of services provided as well as the effectiveness and performance of the program.

Population Served:

Veterans, unemployment insurance recipients and underemployed workers.

Performance Measures:

None.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Utica Dislocated Worker Assistance Center

Mandate:
None.

Mandated Funding Level:
None.

Brief Description/History/Background:

The Center operates a regionally based program that provides dislocated workers with an understanding of the demand skills in their area and helps those workers assess their current skill level to meet these demand skills. The Center utilizes the expertise of the Workforce Development Institute (WDI) to provide a coordinated array of employment and support services including education and training, skills assessment research, community audits, childcare, cultural diversity in the workplace and technical assistance to businesses.

Issues:
Unknown.

Population Served:
Dislocated workers.

Performance Measures:
None.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Apprenticeship Training

Mandate:

Federal Regulation 29 CFR Part 29 & NYS Labor Law Article 23 (12 NYCRR Parts 600 7 601)

Mandated Funding Level:

Unknown.

Brief Description/History/Background:

This program is a proven training strategy that improves the skill of New York State's workforce and enhances the efficiency and productivity of its industries through use of the "Apprenticeship model". This funding is used to monitor the various programs and sponsors across the State.

Issues:

Staffing levels had been held down during the recent moratorium. Now that the moratorium has been lifted it is important to staff up to the supportable level. Should State funding support for the Apprenticeship Training program be reduced, it will impact on the marketing, development, monitoring and oversight of the program, thereby minimizing Apprenticeship Training as a vehicle for preparing a quality workforce with above average earnings.

Population Served:

Job seekers.

Performance Measures:

None mandated, but are under development.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Health Workforce Retraining Initiative

Mandate:
Public Health Law Sec 2807-g

Mandated Funding Level:
Unknown.

Brief Description/History/Background:
The program is to train health industry workers in occupations with documented shortages of workers and provide employment for health industry workers, who need new skills due to changes in the health care system.

Issues:
The Department receives a suballocation annually from the Department of Health (DOH) of approximately \$1.1M to operate this program in conjunction with DOH.

Population Served:
Health industry workers

Performance Measures:
Unknown

NYS Department of Labor
PROGRAM INFORMATION SHEET

Program: DOSH Administration

Mandate: None

Mandated Funding Level:

None

Brief Description/History/Background:

Division of Safety and Health Administration consists of the Division Director, Assistant Director, 1 Administrative Assistant, who performs the personnel functions for the entire Division, and one Secretary 2. The Division Director and Assistant Director oversee and coordinate the operations of all Bureaus in the Division, setting priorities and monitoring finances.

Issues:

None.

Population Served:

The General Public, Public Employees and Private Sector Workers

Performance Measures:

None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Boiler Safety Bureau

Mandate: Article 7, Section 204, NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

The New York State Boiler Inspection Program dates back to the late 1800's when it was initially under the control of the State Fire Marshal's office. The program later became a Bureau in the New York State Department of Labor and was given statutory authority under Section 204 of the Labor Law. Initially only high pressure boilers were inspected in the manufacturing, dry cleaning, power plant facilities and other commercial businesses. The law was amended in 1965 to include the inspection of low pressure steam and hot water boilers. The Bureau consists of a Central Office and 6 District offices throughout the state. They are responsible for administering the boiler regulations throughout the state with the exception of the cities of Buffalo, New York and White Plains, who have their own laws governing boiler inspections. The Bureau also monitors insurance company inspections as well as certifies their inspectors.

The Boiler Safety Bureau is responsible for the Inspection of all high pressure boilers and all low pressure boilers except those located in dwellings of less than 6 families. The high pressure boilers must be inspected annually and the low pressure boilers biennially in accordance with Industrial Code Rules 4 & 14. In lieu of the Bureau's inspection, the owners have the option of insuring their boilers and having the inspection performed by the authorized insurance company inspector. The Bureau examines and certifies all insurance company inspectors who perform inspections within New York State. All welded repairs on boilers must be performed by a repair facility whose repair program has been reviewed, approved and certified triennially by either the NYS Boiler Safety Bureau or the National Board of Boiler and Pressure Vessel Inspectors. In addition the Bureau investigates boiler accidents and boiler code variance requests. The Bureau staff also performs informational and educational visits to boiler owners advising them on installation, operational and code questions.

Issues:

Maintaining enough Staff to perform inspections with the frequency mandated by law. Collection of fees and enforcement of violations.

Population Served:

The General Public statewide.

Performance Measures:

All outstanding violations complied within 60 days of issuance. How many pending violations complied within 60 days of date of issuance. At 60 days a final notice is sent on pending violations. After 90 days if violation has not been complied with or owner has not responded to the final notice (mail in card or call) a summons for hearing will be issued.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: EZ (formerly EDZ) Empire Zones

Mandate:

DOL provides extensive review and technical support services while Empire State Development provides program support and coordination directly to local EZ agencies. DOL's responsibilities are: jointly certifying businesses applying for EZ status; ensuring that businesses applying for EZ status have not violated worker protection statutes; develop and maintain a state database on EZ business and activity; provide job development and training programs for zone businesses and administrators; provide technical assistance; participate in state and local economic development initiatives; provide program oversight through reviews of Business Annual reports; review proposed boundary amendments in cooperation with ESD and participate in the site selection review and approval process for new EZs.

Mandated Funding Level:

Brief Description/History/Background:

The state initiated the Empire Zones program in July 1986 under Article 18-B of the General Municipal Law. The intent of the program was to stimulate investment, private business development and job creation in areas of the state characterized by "persistent and pervasive poverty, high unemployment, limited job creation a dependency on public assistance income, dilapidated and abandoned industrial and commercial facilities, and a shrinking tax base" To accomplish this, the statute provides for tax credits and other incentives to encourage employers to locate and expand in the zones. In 2000, these incentives and credits were greatly enhanced, resulting in renewed interest and activity in the program.

Issues:

Over the last year and a half, there has been on going dialogue between NYSDOL and Empire State Development Corporation regarding the need to ensure accountability and outcomes for the public investment.

Population Served:

Job creating businesses in New York state who are willing to locate within designated zones.

Performance Measures:

None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: MOU with New York State Department of Environmental Conservation

Mandate: Federal Air Resources Program 290 Fund

Mandated Funding Level: \$150,000

Brief Description/History/Background:

Since 1993, the Department has had an annual Memorandum of Understanding(MOU) with the New York State Department of Environmental Conservation (DEC) that establishes the responsibilities of each agency with regard to the federally delegated National Emission Standards for Hazardous Air Pollutants (NESHAP)/Asbestos Program. The MOU suballocates Federal Clean Air Act Section 105 Grant funds from DEC to DOL. The funds support at least 100 compliance inspections per a targeting scheme developed by the federal Environmental Protection Agency (EPA). DOL acts as an agent of the EPA and conducts NESHAPS inspections on behalf of the EPA. As part of the enforcement provision, DOL refers at least 10 cases to the EPA for enforcement.

Issues: None

Population Served: Sources with demolition and renovation activities in NYS

Performance Measures: None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Hazard Abatement Board

Mandate: Section 27-a of the New York State Labor Law

Mandated Funding Level: Annual Appropriation of \$430,000

Brief Description/History/Background:

Under the PESH Act, the Hazard Abatement Board processes applications for local assistance grants to reimburse 75% of the cost of capital abatement projects undertaken to correct violations identified by PESH Bureau field staff. OSH Training and Education Program staff provides administrative support, while the OSH Engineering Services Unit provides technical support.

Issues:

Annual collection of PESH penalties has been significantly below the appropriation and reimbursements for capital abatement projects have been delayed.

Population Served: Public Employers

Performance Measures: None

NYS Department of Labor
PROGRAM INFORMATION SHEET

Program: Industrial Board of Appeals

Mandate: Labor Law, Article 3, Section 100-104

Mandated Funding Level: None

Brief Description/History/Background:

The Board was created by the Legislature in 1975 as an independent review and appeals agency. The main statutory duty of the Board is to provide an impartial administrative review of the validity and reasonableness of any rule, regulation or order issued or made by the Commissioner of Labor. The Board's major review activities are: notices of violation and compliance orders issued under Labor Law Articles 6 and 19 relating to the payment of wages; notices of violation and compliance orders issued under safety and health standards for public employees; notices of violation of safety rules and regulations regarding amusement rides; grants or denials of applications for variances from safety and health standards; and review and approval/disapproval of proposed certificates of incorporation, certificates of amendment, dissolution documents and other corporate instruments where the powers and purposes of the corporation include labor related activities or where the proposed corporate name may indicate such a purpose. The Board holds adjudicatory hearings throughout the state wherein the Board members and counsel act as hearing officers. The number of petitions for review filed with the Board has almost doubled within the past year. The Board consists of five members appointed by the governor, who designates one member to serve as chairperson.

Issues: None

Population Served: Employees, businesses and unions in New York State affected by the Labor Law

Performance Measures: None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Apparel Industry Task Force (AITF) - enforcement, education and registration

Mandate: Article 12-A of NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

The Apparel Industry Task Force (AITF) was created through Article 12A, Sections 340-348 of the NYS Labor Law. The AITF was established for the purpose of concentrating enforcement of all of the provisions of the Labor law affecting employees in the apparel industry. AITF inspects manufacturers and contractors, with respect to their production employees, for compliance with the registration requirements of section 341 of Article 12A and for compliance with all other sections of the Labor Law. AITF has the authority to assess civil penalties to insure compliance by manufacturers and contractors.

Issues:

The general economic climate in NYS is expected to increase the frequency of violations in this industry as apparel manufacturers and contractors look to exploit vulnerable, low-income workers as a means to address tight market conditions.

Population Served:

Employees in the manufacturing environment of the apparel industry, where language barriers are prevalent and there tends to be a high number of workers at risk for exploitation. Languages used in this population of workers include Spanish, Chinese and Korean.

Performance Measures:

- Total Underpayments found - amount of MW & OT money found to be due to employees - Target 5% increase per year.
- Total Underpayments collected - Target 5% increase per year.
- # of investigations completed; # of employees served - Target Investigations - 2% increase per year, Employees served 5% increase per year
- Timely Completion of Cases - priority cases completed within 6 months, non priority cases completed within 12 months - Target 75% of cases meet standard
- percentage of serious violator in substantial compliance on recheck - recheck within 1 year - target 50% of firms meet standards

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Child Performer - enforcement, education and registration

Mandate: Article 4-A of NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

The Child Performer Education and Trust Act of 2003 assigned the responsibility for the issuance of Child Performer Permits and Certificates of Eligibility to Employ Child Performers to New York State Department of Labor. This legislation also made the Department of Labor responsible for enforcement of the registration requirements of the law. Documentation proving maintenance of satisfactory academic performance and the establishment of an acceptable form of child performer trust account must be provided to the Department of Labor. The law requires that a minimum of 15% of the child performer's earnings must be deposited to an acceptable Child Performer Trust account in order to preserve a portion of the child's earnings for his/her future use.

Issues:

New legislation requires the development of guidelines to prevent eating disorders among child models and child performers. New legislation has also granted the authority to promulgate regulations pertaining to child performers.

Population Served:

Approximately 28,000 child performers have registered and obtained at least one Child Performer Permit from the New York State Department of Labor. NYSDOL has also issued Certificates of Eligibility to Employ Child Performers to 637 employers. The child performers, their parents & guardians, and the employers of child performers in stage, screen, television & all other forms of the entertainment industry in New York State are served by this system.

Performance Measures:

- timely and accurate issuance of permits and certificates - target 100%
- # of investigations completed - target increase 2% over prior year
- timely completion of cases - all are priority cases - target 100% completed within 6 months

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Employment Agencies - enforcement, education and registration

Mandate: Article 11 of the General Business Law

Mandated Funding Level: None

Brief Description/History/Background:

The Division of Labor Standards enforces the provisions of Article 11 of the General Business law which requires that no person shall operate an Employment Agency in New York State without first having an Employment Agency license. The Division educates applicants, reviews applications and issues to qualified applicants licenses to operate employment agencies outside New York City. In addition, the Division enforces the laws and regulations relating to their operation and the fees that may be charged. Employment Agency licenses are issued on a two year registration cycle beginning on May 1 of the even years.

Issues:

The tightening economy may result in an increase in employment agency activity as increasing numbers of displaced workers seek employment or re-employment. The economy may also increase the number of employers seeking qualified employees that meet their specific needs.

Population Served:

Job seekers utilizing employment agencies.

Performance Measures: None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Fair Wages Task Force (FWTF) - enforcement

Mandate: Article 12 of NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

The Fair Wages Task Force (FWTF) was created through Article 12, Sections 330-334 of the NYS Labor Law. The FWTF was established for the purpose of concentrating enforcement of all of the provisions of the Labor law affecting employees in manufacturing, service and other industries where there may be a concentration of workers at risk for exploitation. The Task Force serves workers who are at heightened risk of exploitation, in low wage, often cash-based industries in the underground economy, often immigrants.

Issues:

The forecasted increase in minority populations coupled with a downward trend in the economy will further exacerbate the exploitation of the population served.

Population Served:

Employees in manufacturing, service and other industries where language barriers are prevalent and consequently there tends to be a concentration of workers at risk for exploitation.

Performance Measures:

- Total Underpayments found - amount of MW & OT money found to be due to employees - Target 5% increase per year.
- Total Underpayments collected - Target 5% increase per year.
- # of investigations completed; # of employees served - Target Investigations - 2% increase per year, Employees served 5% increase per year
- Timely Completion of Cases - priority cases completed within 6 months, non priority cases completed within 12 months - Target 75% of cases meet standard
- percentage of serious violators in substantial compliance on recheck - recheck within 1 year - target 50% of firms meet standards

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Hours of Labor - education, enforcement and registration

Mandate: Article 5 of NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

Article 5 requires employers to provide at least one day of rest per week for workers in factories, mercantile establishments, hotels, restaurants and certain other specific occupations. It requires employers to provide meal periods for all workers working more than 6 hours. It allows the Commissioner to permit shorter meal periods, and/or day of rest variances, upon application by the employer demonstrating sufficient justification. The Division of Labor Standards enforces the day of rest and meal period requirements of the labor law through field or office investigation upon complaint. It routinely checks compliance with these laws during all field investigations. It assesses civil penalties in certain cases. It uses exit interviews with employers, handouts, and group seminars to educate employers on these requirements. It receives a limited number of applications by employers for variances from these requirements and, where justified, issues permits for same. In a closely related function, it issues variances under the NYS Defense Emergency Act for processors of perishable fruits and vegetables and for employers engaged in defense work.

Issues: None

Population Served:

All persons employed in businesses investigated; their employers; agricultural and food processing businesses; businesses engaged in defense work.

Performance Measures:

- timeliness of investigations - completion within 6 months - target 75% of cases meet standard
-outreach activities - # of seminars or other outreach - target 100 per year

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Industrial Homework - enforcement, education and registration

Mandate: Article 13 of NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

Enforces the restrictions on industrial homework set forth in the Industrial Homework Law and the Homework Order. Issues permits for limited distribution of Industrial Homework to employers, where authorized, together with certificates to eligible home workers. Historical vulnerability of homeworkers to poor working conditions and wage underpayment necessitates registration and strict limitation of homework.

Issues:

While the legislation is designed to limit industrial homework, this form of employment may be the only opportunity for shut-ins to earn money.

Population Served:

Disabled workers who are unable to work outside their homes.

Performance Measures:

Employer compliance - target 100% of firms in compliance.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Migrant Labor- enforcement, education and Registration

Mandate: Article 7 of NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

Article 7 requires that safe drinking water, toilet and handwashing facilities be accessible to farm workers while working. It requires that farm labor contractors submit to a criminal history check, annually disclose farms to which they will supply crews, and disclose all terms and conditions of employment, including housing, connected thereto. It requires that growers who, without using a contractor, will employ 5 or more migrant workers in a year register and disclose all the terms and conditions of employment, including housing, to be provided. It specifies what payroll records are to be kept.

The Division of Labor Standards enforces the farm labor sections of Article 7 (and also Article 19-A, the farm minimum wage act) through approximately 40 - 50 field investigations per year, of which a few are complaint-generated however most are proactively targeted. The first legislation requiring registration by contractors and growers using migrant laborers was enacted in 1940; however, farmworkers were left out of minimum wage coverage until 1969. The Division assesses and collects civil penalties from growers and contractors found in violation. It sends annual re-registration mailings to previously-registered growers and contractors, processes all applications, and issues certificates to those approved. Through exit interviews, mailings, and handouts, it educates agricultural employers and contractors.

Issues: None

Population Served:

Migrant farm and food processing workers; former migrant laborers now permanently residing in NYS; local resident farm workers; farm employers; farm labor contractors; agricultural communities generally; food consumers.

Performance Measures:

-# of cases resolved, # of employees served - target 2% increase in cases solved and 5% increase in employees served over prior year

-Target Low wage industry for proactive investigations - target 10% of cases are proactive

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Minimum Wage Act and Farm Minimum Wage Act - education, enforcement, collection and disbursement

Mandate: Article 19 and Article 19-A of the New York State Labor Law
Sets Minimum Wage Standards for covered employees within New York State.

Mandated Funding Level: None

Brief Description/History/Background:

The Division of Labor Standards enforces the NYS Minimum Wage Act including four minimum wage orders and the Minimum Wage Standards for Farm Workers. The Division educates the public regarding the minimum wage laws utilizing seminars, postings, website materials, flyers and other published materials, informational phone lines and e-mail. The Division enforces the minimum wage laws by accepting complaints, performing targeted programs and sweeps, and by making contact and accepting referrals from community groups, unions, etc.. The Division is responsible for collecting and disbursing funds to underpaid employees. The Minimum Wage Act was established to provide adequate maintenance for workers in low wage industries and their families and today these workers remain among the most vulnerable workers in New York State. A separate minimum wage act covers farm laborers since they face distinct and unusual problems not encountered in other industries.

Issues:

A high percentage of the low wage workers in New York State speak little or no English. The Division must maintain a level of Spanish speaking investigators statewide; in addition the Division must maintain Chinese and Korean speaking investigators in NYC. The Division also utilizes language lines and interpretation services as required. A large increase in J1 visa students from Eastern Europe into the State during summer months has added to the seasonal workload, which also involves farm workers, workers at fairs and carnivals, an increased number of minors under 18 employed and workers employed in resort areas. All of these workers are traditionally low wage workers. A higher emphasis on targeted investigations and sweeps has yielded minimum wage underpayments for a large number of employees but has reduced the time allotted to complaint based investigations.

Population Served:

These laws, with specified exemptions, apply to most categories of workers in New York State.

Performance Measures:

- Total Underpayments found - amount of MW & OT money found to be due to employees - Target 5% increase per year.
- Total Underpayments collected - Target 5% increase per year.
- # of investigations completed; # of employees served - Target Investigations - 2% increase per year, Employees served 5% increase per year
- Timely Completion of Cases - priority cases completed within 6 months, non-priority cases completed within 12 months - Target 75% of cases meet standard

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Employment of Minors - education and enforcement

Mandate: Article 4 of NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

The Division of Labor Standards enforces Article 4 of the Labor Law along with closely-related sections of the Education and the Arts and Cultural Affairs Laws. Article 4 sets minimum ages for various occupations, prohibits hazardous occupations, requires Employment Certificates, limits the hours minors may work, bans employment during hours of required school attendance, requires school and parental permission for certain late hours, authorizes regulations establishing additional prohibitions on hazardous farm occupations. Minors were subjects of the first protective legislation in 1886 limiting their hours of work, followed by further improvements and the establishment of compulsory education in 1903. The Division does approximately 500 complaint-driven and targeted proactive field investigations of workplaces employing children under 18 each year. It recently expanded geographic coverage of a pilot program to investigate child labor injury cases referred by the Workers Compensation Board. It assesses and collects civil penalties from employers found in violation, who may in egregious cases be prosecuted. The Division uses exit interviews with employers, handouts and seminars for groups to educate employers, as well as teachers and counselors, on the laws and regulations protecting minors.

Issues: None

Population Served:

All children under 18 employed in any trade, business or service; owners and managers of businesses employing minors; teachers and counselors in career and technical education; parents of working teens.

Performance Measures:

- # of investigations completed - target 2% increase per year
- Timely completion of cases - high priority cases - completion within 6 months, cases involving prohibited occupations - investigators dispatched immediately - Target 100% of cases meet standard
- Outreach activities - seminars - target 100 per year
- Targeted investigations - target 10% of cases are proactive

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: PEO - enforcement, education and registration

Mandate: Article 31 of NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

On March 23, 2003 the New York Professional Employers Act was signed into law. The law defines a Professional Employer Organization (PEO) as "any person whose business is entering into professional employer agreements with clients" whereby: the PEO (1) expressly agrees to co-employ all or a majority of the employees providing services to the client; (2) on an on-going rather than a temporary basis; (3) employer responsibilities are expressly allocated between the PEO and the client in the contract; and (4) the PEO expressly assumes the rights and responsibilities required in section 922 of Article 31. The law requires PEOs operating in New York State to either register or obtain exemptions annually. The PEO law also requires PEOs to prove Workers' Compensation and Disability Insurance coverage, provide content of contracts, and provide quarterly certification of payment of taxes, and identity of clients as part of the annual PEO registration process which is administered by New York State Department of Labor Division of Labor Standards.

Issues:

Recent legislation has provided for the imposition of penalties for non-compliance with the PEO law and should result in further increase in compliance with the requirement to register.

Population Served:

The number of PEOs registered has increased each year since the program began from 101 PEO's plus 6 exempt in 2004 to 141 PEOs plus 12 exempt in 2007. The total number of client companies served by registered PEOs in 2007 was 5,134. The total number of worksite employees provided by registered PEOs to their client companies was 65,404.

Performance Measures: None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Wage Payment (including Unpaid or Withheld Wages, Wage Supplements or Fringe Benefits, Illegal Deductions, Appropriated Tips etc.) - enforcement, collection and disbursement

Mandate: Article 6 of NYS Labor Law
Sets wage payment standards for covered employees within New York State

Mandated Funding Level: None

Brief Description/History/Background:

The Division of Labor Standards investigates and endeavors to collect claims for: unpaid or withheld wages, illegal deductions, appropriated tips, illegal kickback of wages, etc., as well as wage supplements or fringe benefits such as vacation or holiday pay, paid sick leave, reimbursement of expenses and other similar items. The Division is also responsible for the disbursement of collected wages and wage supplements. The Central Investigations Unit (CIU) based in Albany resolves most of these claims on a Statewide basis via in-office investigation. The CIU is also responsible for the central intake and review of claims and collecting and disbursing unpaid wages and wage supplements found due to employees. Wage and wage supplement claims, involving a large number of unpaid employees, illegal deductions or appropriated tips are investigated by the enforcement district offices throughout the State. While coverage is broad, the article ensures the protection of low wage workers that often do not have the ability to pursue the collection of unpaid wages or wage supplements without assistance.

Issues:

Investigations often involve individualized claims for a small number of employees and involve interpretation and enforcement of unique wage, commission or wage supplement agreements. Cases sometimes involve groups of particularly vulnerable workers, as in plant closings when workers attempt to collect final wages or tip appropriation from very low wage workers in restaurants as well as other low wage industries.

Population Served:

All persons employed for hire in NYS by an employer in any employment. Employer includes any person, corporation, or association employing any individual in any occupation, industry, trade, business or service. An employer does not include a governmental agency.

Performance Measures:

-Total Wages found due - amount of MW & OT money found to be due to employees - Target 5% increase per year.
-Total Wages collected - Target 5% increase per year.

-# of investigations completed; # of employees served - Target Investigations - 2% increase per year, Employees served 5% increase per year

-Timely Completion of Cases - priority cases completed within 6 months, non-priority cases completed within 12 months - Target 75% of cases meet standard

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: On-Site Consultation

Mandate:

Article 2, Section 21, NYS Labor Law

Mandated Funding Level:

None

Brief Description/History/Background:

The On-Site Consultation Program is a free business resource of the New York State Department of Labor Division of Safety and Health. Funding is provided by the US Department of Labor and NYS Department of Labor to help employers provide a safe and healthful workplace for their employees by offering professional occupational safety and health assistance. The services offered include on-site consultation surveys for the identification of potential safety hazards performed by industrial hygiene professionals who have many years of experience and are well trained at the US DOL OSHA Training Institute. Training is also available in a wide variety of occupational safety and health topics including Accident Investigation, Hazard Communication, Recordkeeping Rule, 10-hour Construction Safety Course, Safety for Workers in the Hospitality and Tourism Industries, and Preventing Workplace Violence. The Bureau offers more than thirty free courses to help educate employers and their workers.

Issues:

The Bureau is 90% federally funded but has not received an increase in funding from OSHA in 5 years. The bureau continues to operate with less than adequate numbers.

Population Served:

All private sector employers with less than 300 employees, their employees and their representatives.

Performance Measures:

1. Timely response - % of requests for action responded to within target time periods established by each program. ie: Percentage up to a maximum of 100% requests for action include complaints, licensing applications, and similar notifications seeking responsible action.

Measure: Request for consultation - Safety responded to in 2 weeks - hygiene requests responded to within 1 month

2. Percentage up to maximum of 100%; "follow up" means re-inspections to determine if prior violation was corrected within allowable time period, and similar actions.

Measure: % serious recommendations not abated within 30 days.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Survey of Occupational Injuries and Illness

Mandate:

The Occupational Safety and Health Statistics (OSHS) program is authorized by the Occupational Safety and Health Act of 1970.

Mandated Funding Level:

Section 24(c) of the above Act limits the Federal share of the grants authorized under Section 24(b) to an amount up to 50 percent of the State's total cost. This suballocation from Workers' Compensation is New York State's match to the federal funds.

Brief Description/History/Background:

The Bureau of Labor Statistics (BLS) is the Federal agency responsible for carrying out the responsibilities of the Secretary of Labor under Section 24 of the Occupational Safety and Health Act of 1970. Since 1971, the BLS has had cooperative arrangements with States to collect occupational injury and illness data. This statistical program now extends to about 50 political jurisdictions, including the District of Columbia, Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

Issues:

Federal funding levels remain stagnant from year-to-year while all costs increase. This results in a declining level of staff that can be supported by these grants.

Population Served:

New York State

Performance Measures:

The Department has to adhere to quarterly fiscal and performance reporting for BLS funding. In addition to the federal requirements, the agency has imposed additional performance measures on itself to ensure that the level and quality of customer services meets our agency standards, which include, but is not limited to, the monitoring of customer satisfaction, improving cooperation with external agencies, enhancement of web tools used by our customers and the timely delivery of contracted services.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Occupational Safety and Health Training and Education Unit

Mandate:

Article 2, Section 27a and Article 29, Section 886 of the State of New York Labor Law

Mandated Funding Level:

Brief Description/History/Background:

OSH T&E administers and oversees the operations of the Occupational Safety and Health Training and Education Grantees. The Manager of the unit also acts as secretary to the Hazard Abatement Board which distributes the Grant money. Grants are provided to employers, unions, trade associations, non-for-profits, and educational institutions to provide occupational safety and health education and training services in order to prevent occupational illnesses and injuries throughout the state.

Issues:

At present grants are being reviewed and decisions made as to any cuts that will be made to the amounts granted.

Population Served:

Organized Labor, employer groups and individual public and private employers.

Performance Measures:

Performance is tracked against a clear set of deliverables detailed in the Training and Grant Management Summary contained in the contract. Actual numbers of sessions, hours and trainees are tracked against planned numbers from the contract. Costs are also tracked for reasonableness versus level of actual performance.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Other Federal Programs (480 Fund)

Mandate:

Various federal laws such as, but not limited to, the Wagner/Peyser Act, the Workforce Investment Act of 1988, the Social Security Act, the Jobs for Veterans Act, Title 38 U.S.C., the Trade Adjustment Assistance Reform Act of 2002 and federal appropriations law.

Mandated Funding Level:

Funding levels for the other federal programs are primarily determined based on national formula allocations.

Brief Description/History/Background:

The main core mission functions provided by other federal programs are to support employment and training services to the employed, underemployed, unemployed and NYS employers. These programs are administered as determined appropriate and in accordance with federal and state appropriations and legislation. Examples of these programs include, but are not limited to, the Worker Opportunity Tax Credit Program, Foreign Labor Certification, UI Supplemental Budget Requests, the Workforce Information Grant, America's Job Bank, the UI Control Fund and UI Child Support.

Issues:

Given the current economic conditions, there is a critical need and demand for the services provided by our federal grants. For all of the federal programs, any unused funds would need to be returned to the federal government at the end of the grant period. Therefore, it is imperative that we maintain federal staffing at levels which will ensure the appropriate level of service delivery and the maximization of federal resources. In addition, the United States Department of Labor (USDOL) establishes performance measures for each of the federal grants, and monitors states' performance. Sufficient staffing levels are necessary in order for our agency to be able to meet the performance standards set by USDOL. Ramifications for failure to adhere to the prescribed performance measures may include the loss of federal funding.

Population Served:

All New York State citizens.

Performance Measures:

The Department has to adhere to existing Federal performance measures that are quite extensive, both programmatically and fiscally, such as quarterly performance requirements including USDOL's release of the Government Performance & Results Act (GPRA) report card to each state. Details on the performance measures were previously provided to the DOB as part of our Financial Management Plan.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Public Employee Safety and Health Program

Mandate:

Article 2, Section 27a, NYS Labor Law, Article 2, Section 27b, NYS Labor Law, Article 28 NYS Labor Law.

Mandated Funding Level:

None.

Brief Description/History/Background:

The Public Employee Safety and Health Bureau (PESH) was created in 1980 under the PESH Act to provide occupational safety and health protection to all public sector employees at the state and local level. PESH enforces all safety and health standards promulgated under the United States Occupational Safety and Health Act (OSHA). Public sector employers include State, County, Town, Village governments, Public Authorities, School Districts, Paid and Volunteer Fire Departments. PESH responds to fatalities and complaints, conducts programmed inspections of public employer work sites, and provides technical assistance during times of a statewide emergency. PESH is divided into two branches. The Enforcement branch conducts unannounced mandatory inspections which may result in a "Notice of Violation and Order to Comply" for hazards and/or violations of OSHA standards. Abatement periods to comply are established and verification of abatement is required. Violations not complied with during the abatement period are subject to a penalty, not to exceed \$200 per day until compliance is achieved. The Consultation branch provides free consultation surveys at the request of the employer. The scope of these surveys are at the discretion of the employer. A written report with hazards identified and recommendations for correction of each hazard is provided to the employer. Consultants are also available to provide assistance with training of employees and correction of the violations cited as a result of an enforcement inspection. All consultation activities are completely separate and kept confidential from the Enforcement Branch. PESH has also created strategic work groups for identified high hazard jobs that work with employers to lower the incidence of injuries to employees. Currently such groups have focused on the fire service, highway repair and construction, nursing homes and light rail services.

Issues:

PESH is labor driven. Most inspections are as a result of an employee complaint. In NYC there is a backlog of 25 complaints. Discrimination investigations are under a time line and are done by specialist employees. There are four in the Division.

Population Served:

Public Sector Employees

Performance Measures:

Respond to Discrimination complaints within 5 days, other complaints within 20 days, fatalities within 1 day, referrals within 20 days, and Consultation Requests within 30 days.

Follow up within 30 days after last abatement date. Refer uncomplied violations for prosecution after final inspection within 30 days. Referral for collection any unpaid penalties within 30 days after a 65 day notice. In Consultation, refer uncomplied Serious Hazards to enforcement 30 days after correction due date. Refer discrimination cases to Counsel within 120 days. Perform 1,550 Programmed Inspections in 2009. Perform 300 Consultations in 2009.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Re-employment Services (including UI Systems Improvement) - (480 Fund)

Mandate:

NYS Unemployment Insurance (UI) Reform Legislation of 1998, Article VII and State Appropriation Law

Mandated Funding Level:

Capped at \$35 million annually from proceeds from the UI Re-employment Services Fund, which is collected from employers as a surcharge to their quarterly UI tax contributions.

Brief Description/History/Background:

Provides enhanced re-employment services to UI recipients. These services help ensure that the recipients meet their work search requirements as prescribed by law, and accelerate the recipients' return to the workforce. With these services, UI claim payments and future employer UI tax contributions are reduced.

There is a critical need to modernize the computer systems and business processes that support the UI program in New York State. The UI legacy systems for both the Employer Tax and Benefit Claim operations were originally developed nearly forty years ago and require a tremendous amount of effort to maintain or change. The older file structures make it difficult to retrieve information to make operating decisions, to make necessary changes when legislation is enacted, to exchange data with external partners and to enable the use of web based services by UI customers. As a result of insufficient federal UI Administration resources, and the need to modernize the UI Systems application, in SFY 2006-2007 both Article VII and State Appropriation Law were amended to authorize NYSDOL to utilize the revenues earned beyond the \$35 million cap restriction for services and expenses of the Unemployment Insurance Systems Improvement project (referred to as UISIM).

Issues:

The mandatory \$35 million cap for Re-employment Services reduces the amount of services that can be provided each year as a result of normal inflationary factors and the need to cover negotiated salary increases and increased fringe benefit rates. As a result of reduced and eroded federal resources, this program has also been used to augment employment services to UI claimants likely to exhaust their benefits, normally provided under Wagner Peyser.

To ensure consistent and uninterrupted service to UI claimants in the future, there remains a need to continue and complete implementation of the UI Systems Improvements. By design, the project is being rolled out using a systems oriented architecture that will allow the project to be implemented in phases. When completed, it will be a major improvement over the current system. In total, this ten year project is estimated to cost \$157 million and we estimate nearly \$95 million is needed over the next five years to complete the project. It is important that the funds collected in excess of the \$35 million cap continue to be made available for the UISIM system.

Population Served:

UI recipients that are likely to exhaust UI benefits.

Performance Measures:

The Re-employment program is subject to the federal performance measures applicable to the One-Stop system, such as entered employment, employment retention and average earnings. Program performance is also captured through the federal UI Performs Measure.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: State Employment Relations Board

Mandate: New York State Employment Relations Act (Labor Law, Article 20, Section 700-718)

Mandated Funding Level: None

Brief Description/History/Background:

The New York State Employment Relations Board (NYS ERB) was established by the Legislature in 1991 as an independent agency through the enactment of the New York State Labor Relations Act. This legislation abolished the State Mediation Board and the State Labor Relations Board and empowered NYS ERB with the same duties and responsibilities of each former Board. The Board acts to prevent labor disruptions in the private sector through mediation and arbitration and to adjudicate unfair labor practice charges and process representation petitions in certain industries. The Board is composed of five members appointed by the Governor (three on recommendation of the Legislature), who designates one member to serve as chairperson.

By state statute, it is "the public policy of New York State that the best interests of the people of the state are served by the prevention or prompt settlement of labor disputes and that the voluntary resolution of such disputes will tend to promote permanent industrial peace and the health, welfare, comfort and safety of the people of the state." By federal law, parties who intend to modify an existing collective bargaining agreement are required to notify the ERB at least 60 days in advance. Representatives of employers and employees are then encouraged voluntarily to submit any disputes to the agency prior to engaging in a strike or lock-out and to participate fully and promptly in any meetings that may be arranged by the Board for the purpose of resolving the dispute.

The law provides that the Board may (and upon the direction of the Governor, shall) take such steps as it may deem expedient to effect a voluntary settlement of differences between employer and employees that have caused or threatened to cause a labor dispute. NYS ERB provides mediation services free of charge to unions and employers to help them negotiate a new collective bargaining agreement or to resolve disputes or grievances under an existing agreement. In 2008, as of June 30, NYS ERB received 54 requests for mediation.

In addition, the Board is required to establish arbitration panels. There is a pro bono arbitration panel consisting of arbitrators who volunteer to hear cases and render decisions without charge to the parties. The Board also administers as a regular panel of arbitrators, sending out lists of qualified arbitrators who bill at their customary rates. Many unions and employers specify in their collective bargaining agreements that NYS ERB will be their arbitration administrator. In 2008, as of June 30, NYS ERB received 216 requests for arbitration administration.

The Board is required to prevent any employer under its jurisdiction from engaging in any unfair labor practice that interferes with the rights of employees to join a union and bargain collectively and to process petitions and hold elections for employees to vote on whether they want to be represented by a union.

Issues:

Demand for the Board's mediation services is growing. Further, in addition to the agency's regular mediation, arbitration and adjudicatory work, it is responsible for providing dispute resolution services to the parties under the Governor's Executive Order granting representation rights to home-based child care providers. As 50,000 of these providers voted in the past two years to be represented by unions, discussions with the state OFCS are now taking place and demands for ERB services will likely rise in the next few years.

Population Served: Private sector management and labor

Performance Measures: None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: State Administration/Bureau of Immigrant Workers' Rights

Mandate: Annual State Budget Appropriation

Mandated Funding Level: None

Brief Description/History/Background:

The Administration Program funds the share of the Department's Administrative, Staff and Technical Services (AS&T) support staff associated with several state funded programs and activities excluding Worker Protection. AS&T assistance is rendered by units responsible for finance, property and maintenance functions, information technology, legal, public information, planning, research, personnel, employee relations, training, etc. Approximately 2 FTEs are utilized for this purpose. Another 2 FTEs are funded from State Administration in support of the state share of our Bureau of Immigrant Workers' Rights (BIWR). Established in May 2007, the BIWR is a division of the Department that seeks to address the growing needs of immigrant workers throughout New York State. The BIWR works both externally, with advocacy groups and the public, and internally, within DOL, to ensure that the Department is responsive and accessible to immigrant workers. BIWR is the primary point of contact of advocacy groups, both to receive their input, and to serve as a referral source within our agency for the target population, directing people to the proper programs for workers' rights. Internally, BIWR analyzes each of the Department's programs and is responsible for implementing policies and procedures across program lines to help the Department more effectively meet the needs of immigrant workers. The BIWR is further supplemented by Federal funding (Unemployment Insurance, Wagner Peyser and WIA).

Issues:

Population Served: DOL State programs and immigrant workers

Performance Measures: None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Trade Adjustment Assistance Benefits (TRA) - (484 Fund)

Mandate:

Trade Act of 1974, as amended by Trade Reform Act of 2002. Regulation 20 CFR 617

Mandated Funding Level:

Funding is provided by the United States Department of Labor (USDOL) through an annual funding agreement between New York State Department of Labor and USDOL. Incremental TRA benefit funding is provided to states as needed throughout the year based on demand.

Brief Description/History/Background:

Provides income support to eligible participants adversely impacted by foreign trade.

Issues:

The Trade Act has been up for reauthorization since 2007 but until a reauthorization bill is enacted the program will continue to operate under the current law and regulations. Recent Congressional proposals have expanded Trade benefits to the service sector, which would vastly expand the eligible population and cost of the program.

Population Served:

Eligible workers under a USDOL- approved Trade Act petition. Petitions are filed by or on behalf of an industrial firm impacted by foreign trade.

Performance Measures:

The Department has to adhere to separate quarterly fiscal reporting for TRA funding, along with programmatic reporting that is incorporated into UI performance. Details on the performance measures were previously provided to the DOB as part of our Financial Management Plan and includes such measures as entered employment, employment retention and average earnings.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Unemployment Insurance Benefits (481 Fund)

Mandate:

Social Security Act - Section 303(a)(1)

Mandated Funding Level:

Funding for the Unemployment Insurance Benefits comes from the State UI taxes paid by employers and is authorized in Section 303(a)(1) of the Social Security Act. These funds are deposited into the State's Unemployment Insurance Trust fund. When a state's trust fund balance is insufficient to cover benefit payments, states have the ability to borrow from the federal government. If loans taken during a calendar year are not repaid by September 30th, then, in addition to the loan amount, interest is also due to the federal government.

Brief Description/History/Background:

The Unemployment Insurance program provides core mission services to eligible workers who become unemployed through no fault of their own. The Unemployment Insurance Benefit account (481 fund) is the source of the benefit payments which are made to eligible claimants to partially offset the loss of income while these individuals seek employment.

Issues:

Given the current economic conditions, the demand for services provided under the Unemployment Insurance program has increased, and we are experiencing an increase in claims workload which equates to increased benefit payments. In addition, on June 30, 2008, the President signed into law "The War Bill" which contained the Extended Unemployment Compensation (EUC08) program to provide an additional 13 weeks of benefits.

Population Served:

New York State unemployed.

Performance Measures:

The Department has to adhere to existing Federal performance measures that are quite extensive, both programmatically and fiscally, such as quarterly performance requirements including USDOL's release of the Government Performance & Results Act (GPRA) report card to each state as well as the requirement to address deficiencies USDOL identifies in the UI Program through the annual submission of the State Quality Service Plan (SQSP). In the SQSP the state is required to develop corrective action plans for each deficiency noted. On a quarterly basis we are required to update USDOL on our progress to address the corrective action plan. Details on the performance measures were previously provided to the DOB as part of our Financial Management Plan and includes, amongst other measures, the timeliness of the first UI benefit payment.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Unemployment Insurance Administration (480 Fund)

Mandate:

Social Security Act - Section 303(a)(1)

Mandated Funding Level:

Funding is provided by the United States Department of Labor (USDOL) through an annual funding agreement between New York State Department of Labor and USDOL. The annual funding level changes from year to year based on an allocation methodology which utilizes actual spending information as reported in the annual Resource Justification Model submittal. By signing the annual funding agreement for the administration of the Unemployment Insurance program the Department declares that we will adhere to the Social Security Act Section 303 (a)(1) to provide "such methods of administration....as found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due". Methods of administration requirement is to assure the proper and prompt delivery of UI services to claimants and employers.

Brief Description/History/Background:

The Unemployment Insurance program provides core mission services to both eligible workers who become unemployed through no fault of their own, and employers. Unemployment Insurance benefit payments are made to eligible claimants to partially offset the loss of income while these individuals seek employment. Eligible claimants file an initial claim for benefits and certify weekly to collect benefits, by either calling a toll-free Telephone Claims Center or filing over the internet through the Department's website. Under the Unemployment Insurance program, employer payroll taxes are collected which support the benefit portion of the program. In addition, employer tax rates are set annually based on an employer's past experience of tax payments and benefits paid to former employees. Further, the UI appeal process, benefit payment control, employer tax audits and quality control activities are covered under the Unemployment Insurance program.

Issues:

Given the current economic conditions, the demand for services provided under the Unemployment Insurance program has increased, and we are experiencing an increase in claims workload. In addition, on June 30, 2008, the President signed into law "The War Bill" which contained the Extended Unemployment Compensation (EUC08) program to provide an additional 13 weeks of benefits. With an increase in regular claims workload and the enactment of the EUC08 program, it is imperative that the Department be able to maintain staffing levels to assure the proper and prompt delivery of Unemployment Insurance services to claimants and employers. Up until July 30, 2008 the Department had been attempting to quickly fill open UI positions to keep up with the demand and ensure continuity of services. Based on previous guidance from USDOL, it is their position that any action that does not take into account the service delivery needs of the UI program is not a method of administration consistent with Section 303 (a)(1) of the Social Security Act, and the State's entire UI grant could be at risk.

This applies to all state-wide personnel actions, including hiring freezes, shutdowns, furloughs, across-the-board staff reductions, and any process that serves to delay the hiring of UI staff when additional staff is needed.

Population Served:

New York State unemployed and employer populations.

Performance Measures:

The Department has to adhere to existing Federal performance measures that are quite extensive, both programmatically and fiscally, such as quarterly performance requirements including USDOL's release of the Government Performance & Results Act (GPRA) report card to each state as well as the requirement to address deficiencies USDOL identifies in the UI Program through the annual submission of the State Quality Service Plan (SQSP). In the SQSP the state is required to develop corrective action plans for each deficiency noted. On a quarterly basis we are required to update USDOL on our progress to address the corrective action plan. Details on the performance measures were previously provided to the DOB as part of our Financial Management Plan and includes such measures as non-monetary determination quality and timeliness provisions, Appeals higher and lower authority case age, accuracy and completeness of employer tax information and detection of overpayments. In addition, the agency has imposed additional performance measures on itself to ensure that the level and quality of customer services meets our agency's standards, which include, but is not limited to, monitoring the percentage of callers able to access an agent at the telephone claims center on their first call, the average speed of answering the UI calls and improving the number of employer registrations and quarterly returns filed on-line.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Unemployment Insurance Renovations – (480 Fund)

Mandate:

Social Security Act – Section 303 (a)(1) and Amendment to Section 193 of the Workforce Investment Act of 1998 enacted by the Revised Continuing Appropriations Resolution, 2007, Pubic Law 110-5.

Mandated Funding Level:

Proceeds received from the disposition of real property procured with Federal Unemployment and Employment Service resources as outlined in federal guidance letter 3-07.

Brief Description/History/Background:

The New York State Department of Labor (NYSDOL) sought and received the United States Department of Labor (USDOL) Employment and Training Administration, approval to sell two buildings previously purchased with federal resources. NYSDOL had received federal approval to sell the Department owned buildings located at 115 Lawrence Street, Brooklyn, and 35 Fourth Avenue in Brooklyn. The combined proceeds from the sales were deposited in an interest bearing account. The balance of that account stands at \$26,511,697 as of July 31, 2008. The federally authorized use of these revenues is restricted to Unemployment Insurance, Wagner Peyser and Workforce Investment Act program activities including renovations (capital improvements of real property).

In late 2005 NYSDOL sought and received approval from USDOL to utilize the proceeds from the sale of the real property to fund the renovations at the NYSDOL owned 250 Schermerhorn Street in Brooklyn. In March 2008 a request was submitted to USDOL to request an extension to the time period that the sale proceeds can be utilized. The requested extension through September 30, 2010 was granted by USDOL.

Issues:

The Schermerhorn Street building is in poor condition preventing its full utilization. Once renovations are made, it can be fully utilized and will avail the Department to 66,000 square feet of usable space. If the Department did not own the building, we would be required to lease an equivalent amount of space from which to deliver our program services. The cost to rent that much space, using a rental rate of \$40 per square foot, would total \$2,640,000 per year. Consequently, by using the sale proceeds to fund the renovations, the Department will realize significant administrative cost savings over the long term for the Department's Unemployment and Employment Service functions. This renovations project is estimated to cost \$22,810,000. NYSDOL also sought and received approval from USDOL to use the aforementioned proceeds to support the cost to rent temporary space for our staff to relocate while the renovations are underway.

Population Served:

Department of Labor Administration staff and Unemployment and Employment Service customers located in the New York City area.

Performance Measures:

NYSDOL had developed and will take steps to adhere to a timetable for the completion of this project which is expected to take 26 months to complete and must be completed by September 30, 2010 per the current USDOL approval.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Unemployment Insurance Systems Improvement UISIM (482 Fund)

Mandate: None

Mandated Funding Level: None

Brief Description/History/Background:

There is a critical need to modernize the computer systems and business processes that support the UI program in New York State. The UI legacy systems for both the Employer Tax and Benefit Claim operations were originally developed nearly forty years ago and require a tremendous amount of effort to maintain or change. The older file structures make it difficult to retrieve information to make operating decisions, to make necessary changes when legislation is enacted, to exchange data with external partners and to enable the use of web based services by UI customers.

Issues:

To ensure consistent and uninterrupted service to UI claimants in the future, there remains a need to continue and complete implementation of the UI Systems Improvements. By design, the project is being rolled out using a systems oriented architecture that will allow the project to be implemented in phases. When completed, it will be a major improvement over the current system.

In 2008-09 the cash was moved to other SRO programs due to the 3.35% reduction. We anticipate a need for future appropriations to complete the UISIM project. See the Reemployment Services Program Attachment C for more details on this project.

Population Served:

UI recipients that are likely to exhaust UI benefits.

Performance Measures:

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Disabled Veterans Outreach Program (DVOP) and Local Veterans Employment Representative Program (LVER)

Mandate:

Title 38 United States code (U.S.C. 38), Chapter 41 as amended by Public Law (P.L.)109-461 enacted December 22, 2006, 38 U.S.C. Chapter 42; Special Grants Provisions for Jobs for Veterans State Grants, October 1, 2004 through September 30,

Mandated Funding Level:

Funding levels are determined based on a national formula allocation which compares the number of veterans seeking employment in the State to the number of veterans seeking employment in all states.

Brief Description/History/Background:

Disabled Veterans Outreach Program (DVOP) - The DVOP program is staffed by veterans, each of whom is a qualified disabled veteran. DVOP Specialists are out-stationed at various federal, veteran and community agencies in order to reach disabled veterans and assist in meeting their special employment needs as required by the Jobs for Veterans Act P.L. 107-288, Title 38 U.S.C. The primary functions of DVOP Specialists are to provide a wide range of employment preparedness and training services to veterans.

Local Veterans Employment Representative (LVER) Program - The LVER program is integrated into the State's One-Stop service delivery system with each One-Stop Career Center having specialized LVER staff to provide priority service to eligible veterans. Preference is given to qualified service-connected disabled veterans when hiring LVER staff. The role of the LVER is to insure that veterans are provided the range of labor exchange services needed to meet their employment and training needs as required by the Jobs for Veterans Act, P.L. 107-288, Title 38 U.S.C. LVERs provide directly or facilitate the provision of labor exchange services to eligible veterans and those with special employment and training needs.

Issues:

Given the current economic conditions, there is a critical need and demand for the services provided by this federal grant. Any unused funds each quarter are subject to recapture by the federal government. Therefore, it is imperative that we maintain staffing at levels which will ensure maximizing federal resources. In addition, the United States Department of Labor (USDOL) establishes performance measures for the grants, and monitors states' performance. Sufficient staffing levels are necessary in order for our agency to be able to meet the performance standards set by USDOL. Ramifications for failure to adhere to the prescribed performance measures may include the loss of federal funding.

Population Served:

Veterans' and other eligible persons.

Performance Measures:

The Department has to adhere to quarterly fiscal and performance reporting for DVOP and LVER funding. Details on the performance measures were previously provided to the DOB as part of our Financial Management Plan.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Re-employment Services (including UI Systems Improvement) - (480 Fund)

Mandate:

NYS Unemployment Insurance (UI) Reform Legislation of 1998, Article VII and State Appropriation Law

Mandated Funding Level:

Capped at \$35 million annually from proceeds from the UI Re-employment Services Fund, which is collected from employers as a surcharge to their quarterly UI tax contributions.

Brief Description/History/Background:

Provides enhanced re-employment services to UI recipients. These services help ensure that the recipients meet their work search requirements as prescribed by law, and accelerate the recipients' return to the workforce. With these services, UI claim payments and future employer UI tax contributions are reduced.

There is a critical need to modernize the computer systems and business processes that support the UI program in New York State. The UI legacy systems for both the Employer Tax and Benefit Claim operations were originally developed nearly forty years ago and require a tremendous amount of effort to maintain or change. The older file structures make it difficult to retrieve information to make operating decisions, to make necessary changes when legislation is enacted, to exchange data with external partners and to enable the use of web based services by UI customers. As a result of insufficient federal UI Administration resources, and the need to modernize the UI Systems application, in SFY 2006-2007 both Article VII and State Appropriation Law were amended to authorize NYSDOL to utilize the revenues earned beyond the \$35 million cap restriction for services and expenses of the Unemployment Insurance Systems Improvement project (referred to as UISIM).

Issues:

The mandatory \$35 million cap for Re-employment Services reduces the amount of services that can be provided each year as a result of normal inflationary factors and the need to cover negotiated salary increases and increased fringe benefit rates. As a result of reduced and eroded federal resources, this program has also been used to augment employment services to UI claimants likely to exhaust their benefits, normally provided under Wagner Peyser.

To ensure consistent and uninterrupted service to UI claimants in the future, there remains a need to continue and complete implementation of the UI Systems Improvements. By design, the project is being rolled out using a systems oriented architecture that will allow the project to be implemented in phases. When completed, it will be a major improvement over the current system. In total, this ten year project is estimated to cost \$157 million and we estimate nearly \$95 million is needed over the next five years to complete the project. It is important that the funds collected in excess of the \$35 million cap continue to be made available for the UISIM system.

Population Served:

UI recipients that are likely to exhaust UI benefits.

Performance Measures:

The Re-employment program is subject to the federal performance measures applicable to the One-Stop system, such as entered employment, employment retention and average earnings. Program performance is also captured through the federal UI Performs Measure.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Workforce Investment Act (WIA) - (486 Fund)

Mandate:

Federal Workforce Investment Act of 1998 Title I, Sub-title B, Public Law 105-220, Regulations 20 CFR 652, August 11, 2000

Mandated Funding Level:

Funding is provided by the United States Department of Labor (USDOL) through an annual funding agreement between New York State Department of Labor and USDOL. The annual funding levels for the WIA Adult, Dislocated Worker, and Youth programs change from year to year based on the national appropriation level, and the distribution to states utilizing federal formulas based upon population, social and economics conditions.

Brief Description/History/Background:

Provides workforce investment activities through Statewide and local workforce investment systems that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and as a result, improve the quality of the workforce, reduce welfare dependence, and enhance the productivity and competitiveness of the Nation.

Issues:

As a result of decreased federal funding in the WIA program, NYS' award to administer Workforce activities has been significantly reduced from \$305 million in Program Year 2000 to an estimated \$145.7 million in Program Year 2009, for a decline of \$159.3 million or 52%.

Population Served:

Adults age 18 and up, Dislocated Workers, and Youth ages 14-21

Performance Measures:

The Department has to adhere to existing fiscal and programmatic Federal performance measures, such as quarterly performance requirements including USDOL's release of the Government Performance & Results Act (GPRA) report card to each state. While WIA funds have a three year life, normally 80% of WIA funding must be legally obligated by states at the end of the first year. Details on the performance measures were previously provided to the DOB as part of our Financial Management Plan and included such measures as the rate of entered employment, employment retention, average earnings, literacy gains, placement in employment or education and attainment of a degree / certificate.

NYS Department of Labor
PROGRAM INFORMATION SHEET

Program: Worker Protection AS&T

Mandate: Annual State Budget Appropriation

Mandated Funding Level: None

Brief Description/History/Background:

Administrative Staff and Technical (AS&T) is a USDOL terminology for Department overhead. AS&T supports Department staff performing executive, fiscal, business, legal, information technology, planning, human resources and other administrative functions. Federal regulation requires that overhead costs such as AS&T be distributed to all programs based on FTE spending within the Department. Worker Protection AS&T represents the funding to support the Worker Protection and other state programs share of the Department's AS&T overhead.

Issues:

Population Served: Worker Protection programs

Performance Measures: None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Workers Compensation Return to Work

Mandate: Section 35 of the Workers Compensation Law

Mandated Funding Level: None

Brief Description/History/Background:

As part of Workers Compensation Reform, Section 35 was added that created a safety-net program for which the Department of Labor would have primary responsibility. The goal of the safety-net program is to help those workers who are classified as permanently partially disabled return to gainful employment to the greatest extent practicable. The Department was responsible for making recommendations to the Governor and Legislature by December 1, 2007, as to how to achieve this goal. Additionally, beginning December 1, 2008, the Department in conjunction with the Workers Compensation Board and Superintendent of Insurance shall annually report to the Governor and the Legislature with respect to individuals who are permanently partially disabled, the number of said individuals who have: returned to gainful employment; been recategorized as being totally industrially disabled; remain subject to duration limitations set forth in Workers Compensation Law; not returned to work, and whose indemnity payments have expired; and the additional steps that are thought to be necessary to minimize the number of workers who have neither returned to work nor have been recategorized from permanent partial disability.

Issues: None

Population Served: Workers classified as permanently partially disabled

Performance Measures: None

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Bureau of Public Work

Mandate: Article 1 Section 17 NYS Constitution, Article 8 NYS Labor Law, Article 9 NYS Labor Law

Mandated Funding Level:

Public Work Enforcement Fund - .10 of 1% of all contracts for any public work construction contracts let by the state agencies or public benefit corporations shall be deposited into a fund maintained by the state comptroller. These funds shall be made available to the Labor Department for prevailing wage enforcement. All monies transferred and accumulated in the Public Work Enforcement Fund shall be dedicated to labor law enforcement and all monies appropriated from such fund shall be used for such purpose. The Bureau of Public Work also receives funding through annual SRO appropriations (305/339 funds) for prevailing wage enforcement.

Brief Description/History/Background:

Prevailing wage laws started in the late 1800's. The NYS Constitution was amended in 1938 to include workers rights to prevailing wage rates for public work projects. Under Article 8 all contracts for construction, reconstruction, maintenance and repair of public facilities let by the state and all of its political subdivisions require all workers to receive the prevailing wage rate for the occupations they are working at. Annually there are approximately 9,000 new projects and approximately 20,000 are active at a given time. The Bureau of Public Work is responsible for enforcement on all contracts except those let directly by the City of New York, in which case the City Comptroller has responsibility. Under Article 9 all contracts for building service work over \$1,500 require the payment of prevailing wage rates. The Bureau has jurisdiction on all contracts except those let on behalf of a city.

Issues:

The NYS Comptrollers audit report of 2002 was highly critical of the Bureau's ability to respond to the volume of complaints we were receiving. The Bureau added Investigative staff and implemented an Action plan to enforce. The Bureau's response time has increased dramatically and overall compliance is up in every area. As a result of the first audit and the need to put additional staff in the Bureau, a follow-up audit of the Public Work Enforcement Fund occurred to ensure that the monies going into the fund were being used to enforce prevailing wage laws. Any further reductions in Investigative staff will have a very detrimental effect on enforcement. In calendar year 2007 the Bureau collected a record \$9.8 million in back wages. All these were taxable wages reinvested into the state's economy.

Population Served:

All construction workers, approximately 700,000; building service workers, approximately 200,000 and all contractors and all public entities letting public work contracts.

Performance Measures:

All investigations will be activated within 30 days of receipt of complaint. All investigations will be completed within 6 months of activation.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Engineering Services Unit

Mandate:

Article 2, NYS Labor Law; Article 11, NYS Labor Law; Article 16 NYS Labor Law; Article 16, NYS Labor Law; Article 17, NYS Labor Law; Article 28D, NYS General Business Law and Article 37, NYS Arts and Cultural Affairs Law; Article 7, Section 204, NYS Labor Law; Article 30, NYS Labor Law.

Mandated Funding Level: None

Brief Description/History/Background:

The Engineering Services Unit (ESU) provides engineering support to Division of Safety and Health programs. The ESU reviews plans, approves applications and issues variances dealing with various Department of Labor Code Rules. The Engineering Services Unit reviews and approves applications for places of public assembly, ski tows and passenger tramways, elevators and escalators in factory and mercantile establishments, tents and bleachers for 300 or more occupants, window cleaning equipment and other devices. Engineering Services also issues variances for storage of explosives, boilers, Public Employee Safety and Health (PESH) program and asbestos abatement. Engineering Services reviews applications for Hazard Abatement Funding for Capitol Improvements under the PESH Act and is responsible for maintaining rules and regulations at current national standards.

Issues:

Asbestos Variances and plan reviews for tents and viewing stands generally are high profile and require priority.

Population Served:

Professional engineering support to all Division of Safety and Health Bureaus.

Performance Measures:

All applications for variances, plan reviews and request of approval will be acknowledged within two business days. The engineering review of all applications for variances, plan reviews and requests of approval will be completed within 14 days of receipt of perfected submission (Complete submission). The exception will be approvals for window scaffolds on buildings that have not been built. Priority will be given to plan reviews for tents and bleachers.

Window scaffolds - 80% of window cleaning scaffolds pass an engineering demo inspection on first try. After the third visit by engineers to witness demo on new installations and the device does not pass inspection, the application shall be denied. The applicant is to be informed of this after failure on the second inspection.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Industry Inspection

Mandate:

Article 2, NYS Labor Law; Article 11, NYS Labor Law; Article 16 NYS Labor Law; Article 16, NYS Labor Law; Article 28D, NYS General Business Law and Article 37, NYS Arts and Cultural Affairs Law.

Mandated Funding Level:

None

Brief Description/History/Background:

The Industry Inspection Bureau enforces regulations for the protection of the public in the areas of amusement rides, certain grandstands, tents and bleachers, places of public assembly, passenger tramways/ski lifts, storage of explosives, certain types of coin operated machines and the installation/maintenance of elevators in factories and stores. In addition, the Bureau enforces regulations in the areas of window cleaning, aerial performances, High Voltage Proximity and other areas. The Bureau also supports the Passenger Tramway Advisory Council and the Carnival Fair and Amusement Park Safety Advisory Board which advises the Commissioner of Labor on matters concerning passenger tramway safety and alpine skiing and carnivals fairs and amusement park safety.

Issues:

Maintaining enough staff to inspect those machines, structures and business which require a permit on, generally, an annual basis and provide for operational inspections while the business or equipment operating.

Pressures from NYS Office of Homeland Security to increase security and inspections of explosive sites.

Population Served:

Industry Inspection enforces the Provisions of the Labor Law which deal with the safety of the public who use amusement devices, ski lifts, assuring the safe storage of explosives and safety of the public around construction sites and areas where window cleaning is taking place.

Performance Measures:

1. Respond to complaints and accidents within 24 hours of discovery. 100%
2. Operational Inspections - complete 200 operational inspections a year on amusement devices. Complete one operational inspection of each ski area each year. High explosive magazines will be inspected 3x annually. Smokeless & black powder will be 1x annually. Complete 3 inspections a year of all explosive magazines.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Licensing and Certification Unit

Mandate:

Article 2, NYS Labor Law; Article 11, NYS Labor Law; Article 16, NYS Labor Law; Article 16, NYS Labor Law; Article 17, NYS Labor Law; Article 28D, NYS General Business Law and Article 37, NYS Arts and Cultural Affairs Law; Article 7, Section 204, NYS Labor Law; Article 30, NYS Labor Law.

Mandated Funding Level: None

Brief Description/History/Background:

The Licensing and Certification Unit issues licenses and certificates of competence in support of the Industry Inspection Bureau, Boiler Bureau, Asbestos Bureau and Workplace Safety and Loss Prevention Program.

Issues Asbestos Certificates, Blasters Certificate of Competence, Crane Operators Certificate of Competence, Explosives Licenses, Mobile Laser Operators Certificate of Competence, Safety and Loss Prevention Consultant Certificates and receives the asbestos project notifications.

Issues:

Population Served:

General Public and Businesses engaged in regulated activities.

Performance Measures:

100% of licenses and permits will be issued within 30 days of receipt of a complete application. Report on the percent and number issued within 30 days by jurisdiction. Issued means issued by L&C or sent to DMV for processing. For Operator & Possession and dealer - take from database, for others random sample to be taken on Friday afternoons and recorded by head of the L&C Unit.

**NYS Department of Labor
PROGRAM INFORMATION SHEET**

Program: Mine Safety

Mandate:

Article 2, Section 21, NYS Labor Law

Mandated Funding Level: None

Brief Description/History/Background:

The Mine Safety Training Program is a grant program funded by the Mine Safety and Health Administration (MSHA) since the inception of MSHA's State Grants Program in 1979. Over this period, the Mine Safety Training Program has provided training under Parts 46 and 48 of the Code of Federal Regulations for over 100,000 mine employees in New York State. A new, updated Program of Instruction is developed each calendar year and offered free of charge to any mine operator in New York State. By developing a new program each year, the Program offers variety in instruction and this results in an overall increase in student interest and retention. This is especially true for mine employers and employees who repeatedly use our services each year. Employers are encouraged to schedule training at specific times in the calendar year to meet the requirements of annual training under 30 CFR Part 46.

Every training program developed will follow MSHA recommended outlines and focus on the individual learning styles of the mine employee and characteristics of surface mining industry in the state. Our instructors are full time employees and are able to offer mine operators several types of training throughout the year. It is therefore the intent of the Mine Safety Training Program to continue to provide only the finest safety instruction that can be provided to the mine employees of New York.

Issues:

Staffing is inadequate to satisfy all needs.

Population Served:

Mining Industry

Performance Measures: