

Section 21

General powers and duties of commissioner

Labor (LAB)

The commissioner shall be the administrative head of the department and shall have, notwithstanding any provision of law to the contrary, general administrative supervision over the several divisions, boards, commissions, bureaus, and agencies thereof whether established under the provisions of this chapter or the workmen's compensation law and in connection therewith, the commissioner:

1. Shall enforce all the provisions of this chapter and may issue such orders as he finds necessary directing compliance with any provision of this chapter, except as in this chapter otherwise provided;

2. Shall cause proper inspections to be made of all matters prescribed by this chapter;

3. Shall cause investigations to be made of the condition of women in industry;

* 3-a. Shall prepare and submit to the governor, the temporary president of the senate and the speaker of the assembly on or before the thirtieth day of September an annual report on the status of older workers including those over the age of sixty-five in New York state. Such report shall describe in detail the employment needs of such older workers and the ability of existing state employment services to deal with the problems of older workers. The report shall consider the need for affirmative action, training, counseling, development of alternative work schedules, job development activities within the public and private sector, and the need for improved use by older workers of publicly funded programs for employment and employment-related services. The report shall also consider the economic impact of unemployment among older workers and shall contain recommendations, including the associated costs, for improved programs or for changes in statutes or regulations to provide increased employment opportunities for older workers.

* NB Expired October 1, 1981

4. Shall inquire into and report on the causes of all strikes, lockouts and other industrial controversies or labor disputes, and may appoint boards of inquiry for that purpose;

5. Shall institute methods and procedures for the establishment of a program for voluntary compliance by employers and employees with the requirements of this act and all applicable safety and health standards and rules and regulations promulgated pursuant to the authority of

this article;

6. Shall provide a method of encouraging employers and employees in their efforts to reduce the number of safety and health hazards arising from undesirable, inappropriate, or unnecessary working conditions at the workplace and of stimulating employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

7. May provide for the establishment and maintenance of public employment offices for the purpose of securing employment for men, women and children;

8. May make investigations, collect and compile statistical information and report upon the conditions of labor generally and upon all matters relating to the enforcement and effect of the provisions of this chapter and of the rules thereunder;

9. May enforce any lawful municipal ordinance, by-law or regulation relating to any place affected by the provisions of this chapter, not in conflict with provisions of this chapter;

10. May investigate the condition of aliens relative to their employment in industry;

11. May issue such regulations governing any provision of this chapter as he finds necessary and proper.

12. Shall compile and publish, on an annual basis, a list of all regulations and notices required to be posted by employers for the benefit of their employees pursuant to this chapter, the workers' compensation law and any other state or federal law, rule or regulation.

13. Shall adopt regulations prescribing the methodology for establishing an ongoing monthly statewide cost of labor index and an annual county or appropriate multi-county labor market composite wage rate, in consultation with the commissioner of education, for the purpose of computation of building aid to school districts, as required by subparagraph one of paragraph a of subdivision six of section thirty-six hundred two of the education law.

14. Shall do all things necessary for the operation of the New York state data center established in the department in cooperation with the United States bureau of the census; to cooperate with other state agencies, universities, regional organizations, boards, commissions, and other entities in the dissemination of socio-economic information and data through the New York state data center program; in relation to such information and data, to provide technical assistance to other state agencies, universities, regional organizations, boards, commissions and other entities; and to prepare estimates and the official projections of population, households and other characteristics of the state for use by all state agencies. All employees transferred to the department shall be transferred without further examination or qualification to the same or similar titles and shall remain in the same collective bargaining units and shall retain their respective civil service classifications, status and rights pursuant to their collective bargaining

units and collective bargaining agreements.

15. Shall establish and maintain an online database to catalogue and make available information on workforce development funding programs and may publish any analysis conducted by the department on such data. For purposes of this subdivision, the term "workforce development funding program" shall mean a program that funds or provides targeted educational, occupational or training services for the purpose of effecting the employability of the participant, provides training or employment services, supports an economic development activity by enhancing the skills of the state's workforce, prepares individuals for employment, improves opportunities for individuals to become employed, or promotes understanding of the state labor force market through statistical studies, including but not limited to programs that fund or provide English as a second language and adult literacy. For each workforce development funding program, the online database shall include, but not be limited to, the following information for each funding program:

- (i) the name of the funding program and the agency administering the funding program;
- (ii) a description of the purpose of the funding program;
- (iii) a specific program Uniform Resource Locator ("URL"), if any;
- (iv) the year the program was established;
- (v) a catalog of federal domestic assistance numbers, if any;
- (vi) the legal authority, including statute and regulation citations;
- (vii) the program and fiscal contact information including agency name, telephone number, and email address;
- (viii) all eligibility requirements;
- (ix) any program and special restrictions;
- (x) any action or actions required to receive aid; and
- (xi) a description of aid which shall include, but not be limited to, the flow of funds between entities, the type of aid formula used, any matching requirements and any maintenance of effort.

Section 21-A

The industrial commissioner is hereby authorized to enter into agreements with the appropriate agencies of the United States, whereby, in...

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The industrial commissioner is hereby authorized to enter into agreements with the appropriate agencies of the United States, whereby, in accordance with a law of the United States, the commissioner shall cooperate with such appropriate agencies of the United States in the administration and operation of programs of vocational training or retraining, or the development of job skills, authorized by such law. The commissioner shall cooperate with other departments, divisions and agencies of the state in connection with any such programs and perform such acts and exercise such powers as may be necessary to entitle the state to receive benefits under such agreement. The commissioner is further authorized to receive and disburse funds from the United States or any agency thereof, in accordance with any such agreement.

* NB Enacted without section heading.

Section 21-B

Power of the industrial commissioner to make agreements for federal reimbursement to the state of certain expenses in connection with vet...

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Power of the industrial commissioner to make agreements for federal reimbursement to the state of certain expenses in connection with veterans' training. The industrial commissioner is hereby authorized to enter into agreements with the United States veterans' administration to reimburse the state for expenses heretofore incurred or hereafter to be incurred in connection with the administration of the training of veterans and in the rendition of other services by the state as provided for under title two of the "Servicemen's Readjustment Act of 1944" as now in force or as it may hereafter be amended, except with respect to payments by the federal government for tuition, and other fees and charges incidental thereto, of veterans attending state educational institutions.

Section 21-C

Power of commissioner to enter into agreements relating to certain federal acts

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Power of commissioner to enter into agreements relating to certain federal acts. The commissioner is hereby authorized and empowered to take such steps, not inconsistent with law, as may be necessary or desirable for the purpose of procuring for the people of this state all of

the benefits and assistance, financial or otherwise in connection with or provided or to be provided for by or pursuant to, the federal farm labor contractor registration act of nineteen hundred sixty-three, the federal economic opportunity act of nineteen hundred sixty-four, as amended, the federal fair labor standards act of nineteen hundred thirty-eight, as amended, and the occupational safety provisions of any federal act. The commissioner may enter into agreements with appropriate agencies of the United States, and with any political subdivision of the state, as may be necessary or required to receive such benefits and assistance. The commissioner is further authorized to receive and disburse such funds from the United States or any agency thereof, or from any political subdivision of the state, in accordance with the terms of any such agreement. The commissioner shall cooperate with other departments, divisions, agencies, and political subdivisions of the state in connection with any such agreement.

Section 21-D

Power of commissioner to enter into agreement relating to information obtained by the state directory of new hires

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Power of commissioner to enter into agreement relating to information obtained by the state directory of new hires. The department, through the commissioner, shall enter into the agreement provided for in section one hundred seventy-one-h of the tax law, and shall take such other actions as may be necessary to carry out the agreement provided for in such section for matching beneficiary records of workers' compensation and state employment security programs with information provided by employers to the state directory of new hires for the purposes of verifying eligibility for such benefits and for administering workers' compensation and state employment security programs.

Section 21-E

Powers of the commissioner to prepare and issue a notice to be posted at worksite

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Powers of the commissioner to prepare and issue a notice to be posted at worksite. 1. The commissioner is hereby authorized to prepare and issue a notice to be posted at the worksite of each and every apparel or garment manufacturer or contractor known to the department in this state. Such notice shall be in English, Spanish, Chinese and Korean, be printed in at least ten point type and shall clearly state:

(a) The duties of employers with regard to the rights of employees to the receipt and payment of

wages;

(b) A toll free number at the department to which employees may direct questions or register complaints concerning an employer's failure to pay wages or the conditions of employment; and

(c) The address of the regional department to file a complaint.

2. The notice required pursuant to subdivision one of this section shall be distributed to employers in the apparel and garment industries to be posted in a visible and prominent location within the worksite.