



May 25, 2023

**Re: End of Session Priorities**

Dear Lawmaker:

With just three weeks left in the 2023 legislative session, there are many issues of economic importance before the Legislature. The Buffalo Niagara Partnership, on behalf of its members who employ over a quarter million people in the region, offers the following suggestions:

- **Clarify Manual Worker Pay Requirements.** Currently, manual workers are required to be paid on a weekly basis. After the 2019 decision in *Vega v. CM & Associates Construction Management*, employers who do not pay on a weekly basis are liable for wage theft claims – even if workers are paid their duly-owed amounts on a less-frequent basis. A legislative solution is needed to ensure workers are paid fairly without subjecting employers to undue penalties.
- **End Outdated COVID Sick Leave Policy.** A relic of the pandemic era, this policy needs to be repealed. Requiring employers to grant extra sick leave for employees who contracted COVID made sense during the heat of the pandemic. However, case numbers have plummeted, and federal and state governments have ended their pandemic state of emergency declarations. It is past time to treat COVID like any other illness as it pertains to sick leave. Doing so will help employers remain operational amid a challenging worker shortage.
- **Hold Fire on Unexamined Recycling Reforms.** Extended producer responsibility (EPR) proposals, such as S.4246/A.5322, would radically transform waste management in our state. As drafted, this legislation would add major costs onto manufacturers and consumers, while failing to deal with our plastic pollution problem. Moreover, a change of this magnitude should not be rushed through without ample research, public examination, and consultation with the industry. The state should not enact any form of EPR this session.
- **Skip Penalties on Unsubstantiated Claims.** The SWEAT Act (S.1977/A.46) would allow employees to obtain a lien against their employer due to an unsubstantiated claim of wage theft. While proven wage theft should be penalized, this bill would cause significant problems for employers before claims are ever investigated. This proposal runs contrary to America’s foundational legal principle of “innocent until proven guilty.” This legislation should be roundly opposed.
- **Bridge the benefits cliff.** Lawmakers should build upon the success of the state budget on this issue by passing S.2144/A.5875. This legislation would allow workers who

complete job training programs and begin work to maintain social service benefits for six months, empowering them to avert a benefits cliff.

- **Enact a Sensible GHG Accounting System.** If New York uses the 20-year accounting of greenhouse gases, our state would be a national outlier, and our climate efforts will cause unnecessary economic harm to New York consumers and employers. The success of New York's climate action push depends on keeping energy affordable and reliable. To achieve that goal, New York must conform to national standards by using a 100-year GHG accounting.

Thank you for your attention to these issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dottie Gallagher', with a stylized flourish at the end.

Dottie Gallagher  
President and CEO  
Buffalo Niagara Partnership