



Legislation Text

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Res. No. 276

Resolution calling on the New York State Legislature to reintroduce, pass, and the Governor to sign, S416A/A3481B (2021-2022), known as the Fairness and Opportunity for Incarcerated Workers Act.

By Council Members De La Rosa, Cabán, Rivera, Hanif, Gutiérrez, Ossé, Brewer, Krishnan, Farías, Banks and Williams

Whereas, Federal and state laws and policies often exclude incarcerated workers from recognized workplace protections like Occupational Safety and Health Administration protections, including minimum wage and overtime protections, the right to unionize, certain workplace safety protections, and speedy access to resolve worker rights complaints; and

Whereas, As industrial jobs and vocational training programs are declining nationwide, prison labor programs fail to provide incarcerated workers with transferable skills as they re-enter their communities; and

Whereas, Without proper training and skills, people re-entering society are increasingly being relegated to maintenance and other manual labor jobs because their skills have eroded while they are in jail and they are not provided with new training or jobs that help develop marketable skills; and

Whereas, The current system of little or no pay for those working while incarcerated allows for unfair profiteering and drives communities of color into debt as evidence by reports that indicate one out of three families supporting an incarcerated loved one go into debt; and

Whereas, Incarcerated people often earn nominal pay for their labor yet must pay for food, clothing, toiletries, and phone calls to maintain contact with family, friends and their attorneys; and

Whereas, Incarcerated workers in the state earn a starting wage of 16 cents per hour, which can be increased to 65 cents per hour, according to the Prisoners' Rights Project within the Legal Aid Society; and

Whereas, S416A sponsored by State Senator Myrie, and A3481B, sponsored by Assemblymember Epstein, introduced in the 2021-2022 legislative session, seek to provide fair wages and treatment of incarcerated individuals and establish a prison labor board to develop, monitor, and enforce policies, plans, and programs for the operation of an equitable and rehabilitative system of prison labor which provides vocational or occupational training; and

Whereas, The Labor Board established by S416A/A3481B is mandated to prohibit the forced labor of incarcerated individuals, ensure that wages paid to incarcerated workers are consistent with Article 19 of the Labor Law, establish and maintain working conditions consistent with workplace health and safety protections required by federal and state law, and power to investigate, review, or take action to any prison labor enterprise or program; and

Whereas, S416A/A3481B will create a system of labor for incarcerated individuals that prohibits forced labor, raises wages without unfair garnishments, protects worker safety and health, and create job training programs that provide real pathways to employment post release; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to reintroduce and pass, and the Governor to sign, S416A/A3481B (2021-2022), known as the Fairness and Opportunity for Incarcerated Workers Act.

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