

# LABOR AND WORKFORCE DEVELOPMENT

## Resolution LWD-16-25

### ESTABLISHING AND SUPPORTING LEGISLATION THAT PROVIDE FOR WORKERS' PROTECTION

WHEREAS, the National Black Caucus of State Legislators (NBCSL), recognize that workers in many states are represented by a union;

WHEREAS, twenty-eight states and the District of Columbia have created Short Term Compensation (STC), also known as “work share” laws as a way to help employers avoid layoffs when faced with a temporary slow-down in business;

WHEREAS, STC allows states to waive their usual Unemployment Insurance (UI) rules to compensate workers who work reduced hours temporarily under an employer plan approved by the state UI agency;

WHEREAS, under a work sharing arrangement, an employer might reduce the work hours of the entire workforce by 20 percent from five to four days a week in lieu of laying off 20 percent of the workforce;

WHEREAS, states with STC programs require employers who seek STC for their workers to submit a formal work-sharing plan for approval; and

WHEREAS, the plan may apply to the employer’s entire workforce or just specific divisions or “affected units.”

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports legislation in states considering this policy that includes the following key provisions for workers’ protection:

- When employees are represented by a union, the union must have consented in writing to the plan;
- Employees’ health benefits should continue to be provided as if the reduction in work ours had not occurred;
- Pension contributions should continue to be provided for each hour worked;
- The plan submitted by the employer should specify the impact of the reduction in work on any other fringe benefits.

BE IT FURTHER RESOLVED, that an employee’s participation in the plan cannot be precluded or limited, as long as the worker qualifies under the law; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the

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United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

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**SPONSOR:** Senator Ronald Rice (NJ)

**Committee of Jurisdiction:** Labor and Workforce Development Policy Committee

**Certified by Committee Co-Chairs:** Senator Ron Rice (NJ) and Assemblywoman Annette Robinson (NY)

**Ratified in Plenary Session:** Ratification Date is December 4, 2015

**Ratification is certified by:** Senator Catherine Pugh (MD), President