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New York State Labor Chief Is Confirmed to Federal Post

By [STEVEN GREENHOUSE](#)

The Senate voted [60 to 37](#) on Thursday to confirm M. Patricia Smith, the New York State labor commissioner, for the Labor Department's No. 3 post.

The vote came three days after Democrats mustered 60 votes to overcome Republican opposition to Ms. Smith, whom the Republicans accused of making misleading statements in her Congressional testimony.

Ms. Smith will serve as the department's solicitor, its chief law enforcement official, who traditionally plays a crucial role overseeing wage-and-hour and job safety enforcement.

Ms. Smith is known for vigorous enforcement against minimum-wage and overtime violations in New York, and some Republican senators have voiced concern that she would be hostile to small business.

"She clearly has a deep and passionate commitment to helping American workers," said Senator [Tom Harkin](#), the Iowa Democrat who leads the [Health, Education, Labor and Pensions Committee](#). "Her expertise is needed now more than ever, particularly in this economy when American workers are struggling and deserve a strong advocate."

Republicans protested that the Democrats had rushed Monday's cloture vote so it would take place before [Scott Brown](#), the newly elected Republican senator from Massachusetts, was sworn in. Mr. Brown took his oath on Thursday.

Ms. Smith's confirmation had been held up for three months by Senator [Michael B. Enzi](#) of Wyoming, the labor committee's top Republican. Mr. Enzi accused Ms. Smith of misleading the Senate in testifying about a New York program, Wage Watch, in which labor unions and immigrant groups worked with state officials to

uncover wage-and-hour violations.

During the confirmation fight, Republicans voiced concern that that program was used to help unions organize workers. Republicans also said Ms. Smith had been untruthful when she testified that she had not held discussions about expanding the Wage Watch program.

Ms. Smith ultimately acknowledged that she had unintentionally misspoken on some matters, saying she had meant to say only that she had not authorized the program's expansion.

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