

2904--B

2009-2010 Regular Sessions

I N   S E N A T E

March 5, 2009

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Introduced by Sens. STEWART-COUSINS, ADAMS, HASSELL-THOMPSON, MONTGOMERY, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading substituted by A. 215 substitution reconsidered -- recommitted to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to making the failure to post a statement of wage rates and supplements subject to prosecution as a misdemeanor and subject to a civil penalty, and requiring maintenance and production on the job site of "sign-in" and "sign-out" sheets upon the request of the fiscal officer

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subparagraphs (iii) and (iv) of paragraph a of subdivision  
2     3-a of section 220 of the labor law, as amended by chapter 8 of the laws  
3     of 2008, are amended to read as follows:  
4     (iii) The contractor and every sub-contractor shall keep original  
5     payrolls or transcripts thereof, subscribed and sworn to or affirmed by  
6     him or her as true under the penalties of perjury, setting forth the  
7     names and addresses and showing for each worker, laborer, or mechanic  
8     the hours and days worked, the occupations worked, the hourly wage rates  
9     paid and the supplements paid or provided. Where the contractor or sub-  
10    contractor maintains no regular place of business in New York state and  
11    where the amount of the contract is in excess of twenty-five thousand  
12    dollars such payrolls shall be kept on the site of the work. All other

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 contractors or sub-contractors shall produce within five days on the  
2 site of the work and upon formal order of the commissioner OR FISCAL  
3 OFFICER or his or her designated representative such original payrolls  
4 or transcripts thereof, subscribed and sworn to or affirmed by him or  
5 her as true under the penalties of perjury, as may be deemed necessary  
6 to adequately enforce the provisions of this article. Every contractor,  
7 and sub-contractor, shall submit to the department of jurisdiction with-  
8 in thirty days after issuance of its first payroll, and every thirty  
9 days thereafter, a transcript of the original payroll record, as  
10 provided by this article, subscribed and sworn to or affirmed as true  
11 under the penalties of perjury. Any person who wilfully fails to file  
12 such payroll records with the department of jurisdiction shall be guilty  
13 of a class E felony. In addition, any person who wilfully fails to file  
14 such payroll records within the time specified in this subparagraph  
15 shall be subject to a civil penalty of up to one thousand dollars per  
16 day.

17 (iv) The department of jurisdiction shall be required to collect and  
18 maintain such payroll records at the times specified in subparagraph  
19 (iii) of this paragraph. The original payrolls or transcripts shall be  
20 preserved by the department of jurisdiction for five years from the date  
21 of completion of the work on the awarded contract. The department of  
22 jurisdiction as herein referred to shall be the department of the state,  
23 board or officer in the state, or municipal corporation or commission or  
24 board appointed pursuant to law, whose duty it is to prepare or direct  
25 the preparation of the plans and specifications for a public work  
26 project. EVERY CONTRACTOR AND SUB-CONTRACTOR, REGARDLESS OF WHETHER  
27 SUCH CONTRACTOR OR SUB-CONTRACTOR MAINTAINS A REGULAR PLACE OF BUSINESS  
28 IN NEW YORK STATE, SHALL MAINTAIN ON THE SITE OF THE WORK, OR ON THE  
29 SITE WHERE WORKERS REPORT TO WORK, ORIGINAL SIGN-IN AND SIGN-OUT SHEETS  
30 OR OTHER RECORDS REFLECTING THE ACTUAL DATES AND TIMES OF WORK, INCLUD-  
31 ING ARRIVAL AND DEPARTURE TIMES, OF ALL LABORERS, WORKERS OR MECHANICS  
32 EMPLOYED ON THE PUBLIC WORK, AND THE OCCUPATION IN WHICH THEY WORKED  
33 DURING SUCH TIMES, AND SHALL PRODUCE SUCH RECORDS ON THE SITE OF THE  
34 WORK, OR ON THE SITE WHERE WORKERS REPORT TO WORK, IMMEDIATELY, UNLESS  
35 ADDITIONAL TIME IS GRANTED FOR GOOD CAUSE SHOWN, UPON RECEIPT OF A  
36 REQUEST BY THE FISCAL OFFICER TO PRODUCE SUCH RECORDS. Each department  
37 of jurisdiction shall designate in writing an individual employed by  
38 such department responsible for the receipt, collection and review for  
39 facial validity of payrolls. Said designation shall be filed with the  
40 fiscal officer and posted in a conspicuous location at the project site.  
41 If the designated individual cannot perform the receipt, collection and  
42 review of certified payrolls duties as indicated above, for any reason,  
43 including but not limited to reassignment, promotion or separation from  
44 employment, the department of jurisdiction must immediately designate  
45 another individual employed by such department to fulfill such responsi-  
46 bilities. In the event that a department of jurisdiction fails to name  
47 an individual responsible for the receipt, collection and review for  
48 facial validity of payrolls, as set forth above, then the individual so  
49 responsible shall be the individual who is the chief policy-making indi-  
50 vidual of such department of jurisdiction.

51 S 2. Paragraph c of subdivision 3-a of section 220 of the labor law,  
52 as added by chapter 137 of the laws of 1985, is amended to read as  
53 follows:

54 c. The fiscal officer may require any person or corporation performing  
55 such public work to file with the fiscal officer within ten days of  
56 receipt of said request, payroll records, sworn to as to their validity

1 and accuracy, [requested by the fiscal officer] OR OTHER RECORDS WHOSE  
2 MAINTENANCE OR PRODUCTION IS REQUIRED PURSUANT TO PARAGRAPH A OF THIS  
3 SUBDIVISION, for said public work or for any public or private work  
4 performed by said person or corporation during the same period of time  
5 as said public work. In the event said person or corporation fails to  
6 provide the requested information within the allotted ten days OR FAILS  
7 TO PRODUCE RECORDS AS REQUIRED PURSUANT TO PARAGRAPH A OF THIS SUBDIVI-  
8 SION, the fiscal officer shall, within fifteen days, order the depart-  
9 ment of jurisdiction to immediately withhold from payment to said person  
10 or corporation up to twenty-five percent of the amount, not to exceed  
11 one hundred thousand dollars, to be paid to said person or corporation  
12 under the terms of the contract pursuant to which said public work is  
13 being performed. Said amount withheld shall be immediately released upon  
14 receipt by the department of jurisdiction of a notice from the fiscal  
15 officer indicating that the request for records had been satisfied.

16 S 3. Subdivision 7 of section 220 of the labor law, as amended by  
17 chapter 7 of the laws of 2008, is amended to read as follows:

18 7. Compliance investigations. The fiscal officer as herein defined  
19 shall on a verified complaint in writing of any person interested or of  
20 any employee organization pursuant to subdivision eight-d of this  
21 section, and may on his own initiative cause a compliance investigation  
22 to be made to determine whether the contractor or a subcontractor has  
23 paid the prevailing rate of wages and prevailing practices for supple-  
24 ments in the same trade or occupation in the locality within the state  
25 where such public work is being performed, [or] the hours of labor  
26 performed by the [workmen] WORKERS, laborers and mechanics employed on  
27 such public work, [or both] HAS POSTED A LEGIBLE STATEMENT OF ALL WAGE  
28 RATES AND SUPPLEMENTS AS REQUIRED PURSUANT TO PARAGRAPH A OF SUBDIVISION  
29 THREE-A OF THIS SECTION OR HAS FAILED TO MAINTAIN OR PRODUCE RECORDS AS  
30 REQUIRED PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE-A OF THIS SECTION.  
31 The fiscal officer or his agents, examiners and inspectors may examine  
32 or cause to be examined the books and records pertaining to the rate of  
33 wages paid and supplements provided to the laborers, [workmen] WORKERS  
34 and mechanics on said public work [and], the hours of labor performed by  
35 such laborers, [workmen] WORKERS and mechanics on said public work AND  
36 THE POSTING OF A LEGIBLE STATEMENT, IN A PROMINENT AND ACCESSIBLE PLACE  
37 ON THE SITE OF SAID PUBLIC WORK, OF ALL WAGE RATES AND SUPPLEMENTS AS  
38 SPECIFIED IN THE CONTRACT TO BE PAID OR PROVIDED, AS THE CASE MAY BE,  
39 FOR THE VARIOUS CLASSES OF MECHANICS, WORKERS OR LABORERS EMPLOYED ON  
40 SAID PUBLIC WORK. The fiscal officer in such investigation shall be  
41 deemed to be acting in a judicial capacity, and shall have the right to  
42 issue subpoenas, administer oaths and examine witnesses. The enforcement  
43 of a subpoena issued under this section shall be regulated by the civil  
44 practice law and rules. Such fiscal officer shall make either an order,  
45 determination or any other disposition, including but not limited to an  
46 agreed upon settlement and/or stipulation, within six months from the  
47 date of filing of such verified complaint, and where a compliance inves-  
48 tigation is made without the filing of a verified complaint, within six  
49 months from the date a compliance investigation is initiated by such  
50 fiscal officer. Upon the making of said order or determination, or upon  
51 arriving at such agreed upon settlement and/or stipulation, a copy ther-  
52 eof shall be sent by certified mail, return receipt requested, by the  
53 fiscal officer: (i) to the person and employee organization, if any, who  
54 or which initiated the complaint, (ii) to the person or corporation, if  
55 any, against whom the complaint was brought, and (iii) where a compli-

1   ance investigation is made without the filing of a complaint, to the  
2   person who or which was the subject of the compliance investigation.

3   S 4. The second undesignated paragraph of subdivision 8 of section 220  
4   of the labor law, as amended by chapter 7 of the laws of 2008, is  
5   amended to read as follows:

6   In addition to directing payment of wages or supplements including  
7   interest found to be due, such order may direct payment of a further sum  
8   as a civil penalty in an amount not exceeding twenty-five percent of the  
9   total amount found to be due. In assessing the amount of the penalty,  
10   due consideration shall be given to the size of the employer's business,  
11   the good faith of the employer, the gravity of the violation, the histo-  
12   ry of previous violations and the failure to comply with recordkeeping  
13   or other non-wage requirements. IN THE EVENT THAT A CONTRACTOR OR SUB-  
14   CONTRACTOR ON PUBLIC WORKS IS FOUND TO HAVE WILLFULLY FAILED TO POST ALL  
15   WAGE RATES AND SUPPLEMENTS OR TO MAINTAIN OR PRODUCE RECORDS AS REQUIRED  
16   BY SUBDIVISION THREE-A OF THIS SECTION, SUCH A VIOLATION SHALL CONSTI-  
17   TUTE A WILLFUL VIOLATION, AND THE FISCAL OFFICER MAY ENTER AN ORDER  
18   DIRECTING SUCH CONTRACTOR OR SUB-CONTRACTOR TO PAY A SUM AS A CIVIL  
19   PENALTY IN AN AMOUNT OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR THE FIRST  
20   SUCH NONCOMPLIANCE AND A SUM AS A CIVIL PENALTY IN AN AMOUNT OF NOT MORE  
21   THAN ONE THOUSAND DOLLARS FOR EACH SUBSEQUENT NONCOMPLIANCE. SUCH CIVIL  
22   PENALTY SHALL NOT BE IMPOSED IF SUCH CONTRACTOR OR SUB-CONTRACTOR PAYS A  
23   FINE IMPOSED PURSUANT TO A MISDEMEANOR CONVICTION PURSUANT TO SUBDIVI-  
24   SION THREE-A OF THIS SECTION. Where the fiscal officer is the commis-  
25   sioner, the penalty shall be paid to the commissioner for deposit in the  
26   state treasury. Where the fiscal officer is a city comptroller or other  
27   analogous officer, the penalty shall be paid to said officer for deposit  
28   in the city treasury.

29   S 5. Subparagraph 1 of paragraph a of subdivision 2 of section 220-b  
30   of the labor law, as amended by chapter 547 of the laws of 1998, is  
31   amended to read as follows:

32   (1) When any interested person shall file a written complaint with the  
33   fiscal officer, as herein defined, alleging unpaid wages or supplements  
34   due for labor performed on a public improvement for which a contract has  
35   been entered into, and said labor is alleged to have been performed  
36   within the two-year period immediately preceding the date of the filing  
37   of said complaint, or if, on the fiscal officer's own initiative, unpaid  
38   wages or supplements appear to be due, OR IF THE CONTRACTOR OR SUB-CON-  
39   TRACTOR HAS FAILED TO POST A LEGIBLE STATEMENT OF WAGES OR TO MAINTAIN  
40   OR PROVIDE RECORDS AS REQUIRED BY SUBDIVISION THREE-A OF SECTION TWO  
41   HUNDRED TWENTY OF THIS ARTICLE, the fiscal officer shall immediately so  
42   notify the financial officer of the civil division interested, or, if  
43   there are insufficient moneys still due to the contractor or subcontrac-  
44   tor to satisfy said wages and supplements, including interest and penal-  
45   ty, the financial officer of another civil division which has entered or  
46   subsequently enters into a public improvement contract with the contrac-  
47   tor or subcontractor, who shall withhold from any payment due or earned  
48   the contractor or subcontractor executing any public improvements,  
49   sufficient moneys to satisfy said wages and supplements, including  
50   interest at the rate provided herein, and any civil penalty that may be  
51   assessed as provided herein, pending a final determination. The finan-  
52   cial officer shall immediately confirm in writing to the fiscal officer  
53   the amount of money withheld.

54   S 6. Subparagraph 1 of paragraph b of subdivision 3 of section 220-b  
55   of the labor law, as amended by chapter 241 of the laws of 2002, is  
56   amended to read as follows:

1 (1) When two final determinations have been rendered against a  
2 contractor, subcontractor, successor, or any substantially-owned affil-  
3 iated entity of the contractor or subcontractor, any of the partners if  
4 the contractor or subcontractor is a partnership, any officer of the  
5 contractor or subcontractor who knowingly participated in the violation  
6 of this article, any of the shareholders who own or control at least ten  
7 per centum of the outstanding stock of the contractor or subcontractor  
8 or any successor within any consecutive six-year period determining that  
9 such contractor, subcontractor, successor, or any substantially-owned  
10 affiliated entity of the contractor or subcontractor, any of the part-  
11 ners or any of the shareholders who own or control at least ten per  
12 centum of the outstanding stock of the contractor or subcontractor, any  
13 officer of the contractor or subcontractor who knowingly participated in  
14 the violation of this article has wilfully failed to pay the prevailing  
15 rate of wages or to provide supplements in accordance with this article,  
16 whether such failures were concurrent or consecutive and whether or not  
17 such final determinations concerning separate public work projects are  
18 rendered simultaneously, such contractor, subcontractor, successor, or  
19 any substantially-owned affiliated entity of the contractor or subcon-  
20 tractor, any of the partners if the contractor or subcontractor is a  
21 partnership or any of the shareholders who own or control at least ten  
22 per centum of the outstanding stock of the contractor or subcontractor,  
23 any officer of the contractor or subcontractor who knowingly partic-  
24 ipated in the violation of this article shall be ineligible to submit a  
25 bid on or be awarded any public work contract or subcontract with the  
26 state, any municipal corporation or public body for a period of five  
27 years from the second final determination, provided, however, that where  
28 any such final determination involves the falsification of payroll  
29 records or the kickback of wages or supplements, the contractor, subcon-  
30 tractor, successor, or any substantially-owned affiliated entity of the  
31 contractor or subcontractor, any partner if the contractor or subcon-  
32 tractor is a partnership or any of the shareholders who own or control  
33 at least ten per centum of the outstanding stock of the contractor or  
34 subcontractor, any officer of the contractor or subcontractor who know-  
35 ingly participated in the violation of this article shall be ineligible  
36 to submit a bid on or be awarded any public work contract with the  
37 state, any municipal corporation or public body for a period of five  
38 years from the first final determination.

39 WHEN TWO FINAL DETERMINATIONS HAVE BEEN ENTERED AGAINST ANY OF THE  
40 AFOREMENTIONED ENTITIES OR INDIVIDUALS WITHIN ANY CONSECUTIVE SIX-YEAR  
41 PERIOD DETERMINING THAT SUCH ENTITY OR INDIVIDUAL HAS WILLFULLY FAILED  
42 TO POST A STATEMENT OF WAGES OR HAS WILLFULLY FAILED TO MAINTAIN OR  
43 PRODUCE RECORDS AS REQUIRED BY SUBDIVISION THREE-A OF SECTION TWO  
44 HUNDRED TWENTY OF THIS ARTICLE, OR WHEN ONE SUCH DETERMINATION HAS BEEN  
45 ENTERED DURING THE SAME CONSECUTIVE SIX-YEAR PERIOD AS A FINAL DETERMI-  
46 NATION THAT ANY SUCH ENTITY OR INDIVIDUAL HAS WILLFULLY FAILED TO PAY  
47 THE PREVAILING RATE OF WAGES OR SUPPLEMENTS IN ACCORDANCE WITH THIS  
48 ARTICLE, AND SUCH DETERMINATIONS CONCERNED SEPARATE PUBLIC WORK  
49 CONTRACTS AND WERE NOT CONCURRENT, ANY SUCH ENTITY OR INDIVIDUAL WHO  
50 KNOWINGLY PARTICIPATED IN SUCH FAILURE SHALL BE INELIGIBLE TO SUBMIT A  
51 BID ON OR BE AWARDED ANY PUBLIC WORK CONTRACT OR SUBCONTRACT WITH THE  
52 STATE, ANY MUNICIPAL CORPORATION OR PUBLIC BODY FOR A PERIOD OF FIVE  
53 YEARS FROM THE DATE OF THE SECOND FINAL DETERMINATION.

54 S 7. Subdivision 6 of section 231 of the labor law, as added by chap-  
55 ter 777 of the laws of 1971, is amended to read as follows:

1 6. No later than the first day upon which work on said contract is  
2 performed by any employee, the contractor shall post in a prominent and  
3 accessible place on the site of the work a legible statement of the  
4 wages to be paid to the [workmen] WORKERS employed thereon. ANY  
5 CONTRACTOR WHO IS FOUND TO HAVE WILLFULLY FAILED TO POST SUCH STATEMENT  
6 SHALL BE GUILTY OF A MISDEMEANOR, WHICH UPON CONVICTION THEREOF, SHALL  
7 BE PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE  
8 THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE.

9 S 8. Subdivision 1 of section 233 of the labor law, as added by chap-  
10 ter 777 of the laws of 1971, is amended to read as follows:

11 1. In all cases where service work is being performed pursuant to a  
12 contract therefor, the contractor shall keep original payrolls or tran-  
13 scripts thereof, subscribed and confirmed by him as true, under penal-  
14 ties of perjury, showing the hours and days worked by each employee, the  
15 craft, trade or occupation at which he was employed, and the wages paid.  
16 EVERY CONTRACTOR SHALL MAINTAIN ORIGINAL SIGN-IN AND SIGN-OUT SHEETS OR  
17 OTHER RECORDS REFLECTING THE ACTUAL DATES AND TIMES OF WORK, INCLUDING  
18 ARRIVAL AND DEPARTURE TIMES, OF ALL BUILDING SERVICE EMPLOYEES EMPLOYED  
19 ON THE SITE OF THE WORK, OR ON THE SITE WHERE WORKERS REPORT TO WORK,  
20 AND SHALL PRODUCE SUCH RECORDS AT THE WORK SITE OR ON THE SITE WHERE  
21 WORKERS REPORT TO WORK, IMMEDIATELY, UNLESS ADDITIONAL TIME IS GRANTED  
22 FOR GOOD CAUSE SHOWN, UPON RECEIPT OF A REQUEST BY THE FISCAL OFFICER TO  
23 PRODUCE SUCH RECORDS.

24 S 9. Paragraph (c) of subdivision 1 of section 234 of the labor law,  
25 as added by chapter 777 of the laws of 1971, is amended to read as  
26 follows:

27 (c) to examine the books, documents and records pertaining to the  
28 wages paid to, and the hours of work performed by, service employees,  
29 AND TO REQUIRE THE IMMEDIATE PRODUCTION OF RECORDS REQUIRED TO BE MAIN-  
30 TAINED PURSUANT TO SUBDIVISION ONE OF SECTION TWO HUNDRED THIRTY-THREE  
31 OF THIS ARTICLE;

32 S 10. Subdivision 1 of section 235 of the labor law, as added by chap-  
33 ter 777 of the laws of 1971, is amended to read as follows:

34 1. Whenever the fiscal officer has reason to believe that a service  
35 employee has been paid less than the wages stipulated in the contract,  
36 or if such contract has no wage schedule attached thereto and the fiscal  
37 officer has reason to believe that a service employee has been paid less  
38 than the wages prevailing for his craft, trade or occupation, THAT A  
39 CONTRACTOR HAS FAILED TO POST WAGES AS REQUIRED BY SUBDIVISION SIX OF  
40 SECTION TWO HUNDRED THIRTY-ONE OF THIS ARTICLE OR FAILED TO MAINTAIN OR  
41 PRODUCE RECORDS AS REQUIRED BY SECTION TWO HUNDRED THIRTY-THREE OF THIS  
42 ARTICLE, the fiscal officer may, and upon receipt of a written complaint  
43 from an employee employed thereon, shall conduct a special investigation  
44 to determine the facts relating thereto.

45 S 11. Subdivision 7 of section 235 of the labor law, as amended by  
46 chapter 547 of the laws of 1998, is amended to read as follows:

47 7. When, pursuant to the provisions of this section, two final orders  
48 have been entered against a contractor, subcontractor, successor, or any  
49 substantially-owned affiliated entity of the contractor or subcontractor,  
50 any of the partners if the contractor or subcontractor is a part-  
51 nership, any of the five largest shareholders of the contractor or  
52 subcontractor, any officer of the contractor or subcontractor who know-  
53 ingly participated in the violation of this article within any consec-  
54 utive six-year period determining that such contractor or subcontractor  
55 and/or its successor, substantially-owned affiliated entity of the  
56 contractor or subcontractor, any of the partners or any of the five

1 largest shareholders of the contractor or subcontractor, any officer of  
2 the contractor or subcontractor who knowingly participated in the  
3 violation of this article has willfully failed to pay the prevailing  
4 wages in accordance with the provisions of this article, whether such  
5 failures were concurrent or consecutive and whether or not such final  
6 determinations concerning separate public building service contracts are  
7 rendered simultaneously, such contractor, subcontractor, successor, and  
8 if the contractor, subcontractor, successor, or any substantially-owned  
9 affiliated entity of the contractor or subcontractor, any of the part-  
10 ners if the contractor or subcontractor is a partnership, or any of the  
11 five largest shareholders of the contractor or subcontractor, any offi-  
12 cer of the contractor or subcontractor who knowingly participated in the  
13 violation of this article, or any successor is a corporation, any offi-  
14 cer of such corporation who knowingly participated in such failure,  
15 shall be ineligible to submit a bid on or be awarded any public building  
16 service work for a period of five years from the date of the second  
17 order, provided, however, that where any such final order involves the  
18 falsification of payroll records or the kickback of wages, the contrac-  
19 tor, subcontractor, successor, substantially-owned affiliated entity of  
20 the contractor or subcontractor, any partner if the contractor or  
21 subcontractor is a partnership or any of the five largest shareholders  
22 of the contractor or subcontractor, any officer of the contractor or  
23 subcontractor who knowingly participated in the violation of this arti-  
24 cle shall be ineligible to submit a bid on or be awarded any public  
25 building service contract or subcontract with the state, any municipal  
26 corporation or public body for a period of five years from the date of  
27 the first final order.

28 WHEN TWO FINAL DETERMINATIONS HAVE BEEN ENTERED AGAINST ANY OF THE  
29 AFOREMENTIONED ENTITIES OR INDIVIDUALS WITHIN ANY CONSECUTIVE SIX-YEAR  
30 PERIOD DETERMINING THAT SUCH ENTITY OR INDIVIDUAL HAS WILLFULLY FAILED  
31 TO POST A STATEMENT OF WAGES AS REQUIRED BY SUBDIVISION SIX OF SECTION  
32 TWO HUNDRED THIRTY-ONE OF THIS ARTICLE OR HAS WILLFULLY FAILED TO MAIN-  
33 TAIN OR PRODUCE RECORDS AS REQUIRED BY SECTION TWO HUNDRED THIRTY-THREE  
34 OF THIS ARTICLE, OR WHEN ONE SUCH DETERMINATION HAS BEEN ENTERED DURING  
35 THE SAME CONSECUTIVE SIX-YEAR PERIOD AS A FINAL DETERMINATION THAT ANY  
36 SUCH ENTITY OR INDIVIDUAL HAS WILLFULLY FAILED TO PAY THE PREVAILING  
37 RATE OF WAGES OR SUPPLEMENTS IN ACCORDANCE WITH THIS ARTICLE, AND SUCH  
38 DETERMINATIONS CONCERNED SEPARATE BUILDING CONTRACTS AND WERE NOT  
39 CONCURRENT, ANY SUCH ENTITY OR INDIVIDUAL WHO KNOWINGLY PARTICIPATED IN  
40 SUCH FAILURE SHALL BE INELIGIBLE TO SUBMIT A BID ON OR BE AWARDED ANY  
41 PUBLIC BUILDING SERVICE CONTRACT OR SUBCONTRACT WITH THE STATE, ANY  
42 MUNICIPAL CORPORATION OR PUBLIC BODY FOR A PERIOD OF FIVE YEARS FROM THE  
43 DATE OF THE SECOND FINAL ORDER. Nothing in this subdivision shall be  
44 construed as affecting any provision of any other law or regulation  
45 relating to the awarding of public contracts.

46 S 12. This act shall take effect on the one hundred eightieth day  
47 after it shall have become a law.