

2248--A

2009-2010 Regular Sessions

I N   S E N A T E

February 13, 2009

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Introduced by Sens. ONORATO, ADDABBO, SAVINO -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to requiring a written agreement for any work sub-contracted out on a public works project

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

1     Section 1.     Section 220 of the labor law is amended by adding a new  
2     subdivision 4-a to read as follows:  
3     4-A. 1. NO CONTRACTOR OR SUB-CONTRACTOR CAN ENGAGE A SUB-CONTRACTOR OR  
4     ANY PERSON TO PERFORM THE WHOLE OR ANY PART OF A PUBLIC WORKS OR  
5     IMPROVEMENT SUB-CONTRACT EXCEPT PURSUANT TO A WRITTEN AGREEMENT.  
6     2. THE TERMS AND CONDITIONS OF SUCH AGREEMENT SHALL INCLUDE, BUT NOT  
7     BE LIMITED TO:  
8     A. THE NAMES OF THE PARTIES;  
9     B. THE OFFICE ADDRESSES OF THE PARTIES, WHICH SHALL NOT BE A POST  
10    OFFICE BOX;  
11    C. IF THE SUB-CONTRACTOR IS NOT A CORPORATION, THE NAMES OF THE INDI-  
12    VIDUAL OWNERS OR PARTNERS AND THEIR HOME ADDRESSES;  
13    D. THE TAX IDENTIFICATION NUMBER OF THE SUB-CONTRACTOR;  
14    E. A DESCRIPTION OF THE PUBLIC WORK OR IMPROVEMENT TO BE PERFORMED;  
15    F. THE WORK LOCATION OR SITE WHERE THE PUBLIC WORK OR IMPROVEMENT IS  
16    TO BE SITUATED, ERECTED OR USED;  
17    G. THE AMOUNT OF PAYMENT TO THE SUB-CONTRACTOR OR THE MANNER IN WHICH  
18    SUCH PAYMENT WILL BE DETERMINED;  
19    H. THE TYPES OF WORK CLASSIFICATIONS OF EMPLOYEES UNDER THE SUB-CON-  
20    TRACT; AND

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

LBD02550-02-9

1 I. AN AGREEMENT TO ABIDE BY AND COMPLY WITH ALL APPLICABLE STATE AND  
2 FEDERAL LABOR LAWS, INCLUDING PREVAILING WAGE LAWS AND POSTING REQUIRE-  
3 MENTS.  
4 S 2. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law, and shall apply to contracts entered into on  
6 or after such effective date.