

STATE OF NEW YORK

4144

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sens. PARKER, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to allowing certain organizations access to certified payroll records of companies performing public work

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 7 of section 220 of the labor law, as amended
2 by chapter 7 of the laws of 2008, is amended to read as follows:
3 7. Compliance investigations. a. The fiscal officer as herein defined
4 shall on a verified complaint in writing of any person interested or of
5 any employee organization pursuant to subdivision eight-d of this
6 section, and may on [~~his~~] their own initiative cause a compliance inves-
7 tigation to be made to determine whether the contractor or a subcontrac-
8 tor has paid the prevailing rate of wages and prevailing practices for
9 supplements in the same trade or occupation in the locality within the
10 state where such public work is being performed, or the hours of labor
11 performed by the [~~workmen~~] workers, laborers and mechanics employed on
12 such public work, or both. The fiscal officer or [~~his~~] such fiscal
13 officer's agents, examiners and inspectors may examine or cause to be
14 examined the books and records pertaining to the rate of wages paid and
15 supplements provided to the laborers, [~~workmen~~] workers and mechanics on
16 said public work and the hours of labor performed by such laborers,
17 [~~workmen~~] workers and mechanics on said public work. The fiscal officer
18 in such investigation shall be deemed to be acting in a judicial capaci-
19 ty, and shall have the right to issue subpoenas, administer oaths and
20 examine witnesses. The enforcement of a subpoena issued under this
21 section shall be regulated by the civil practice law and rules. Such
22 fiscal officer shall make either an order, determination or any other
23 disposition, including but not limited to an agreed upon settlement
24 and/or stipulation, within six months from the date of filing of such

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

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1 verified complaint, and where a compliance investigation is made without
2 the filing of a verified complaint, within six months from the date a
3 compliance investigation is initiated by such fiscal officer. Upon the
4 making of said order or determination, or upon arriving at such agreed
5 upon settlement and/or stipulation, a copy thereof shall be sent by
6 certified mail, return receipt requested, by the fiscal officer: (i) to
7 the person and employee organization, if any, who or which initiated the
8 complaint, (ii) to the person or corporation, if any, against whom the
9 complaint was brought, and (iii) where a compliance investigation is
10 made without the filing of a complaint, to the person who or which was
11 the subject of the compliance investigation.

12 b. (i) An employee organization, which has been certified or recog-
13 nized to represent employees employed on public works contracts, may
14 request of a state agency, public authority, or any other state entity
15 authorized to let out work on public works contracts, to be furnished
16 with a copy of certified payroll records that have been provided to such
17 agency, public authority, or any other state entity authorized to let
18 out work on public works contracts, by the contractor or subcontractor
19 pertaining to a public works contract.

20 (ii) If so requested, the agency, public authority, or any other state
21 entity authorized to let out work on public works contracts, must
22 furnish a copy of such certified payroll records to the organization
23 within thirty days of the receipt of such request.

24 (iii) The certified payroll records must include at least the follow-
25 ing information:

26 (1) names and addresses of all employees working on the public works
27 project;

28 (2) employee classifications;

29 (3) hours employed on the public works project;

30 (4) wage rate that has been paid to the employees;

31 (5) supplemental wage rate that has been paid to the employees;

32 (6) the rate of all other monies that were paid to employees.

33 § 2. This act shall take effect immediately.