S T A T E O F N E W Y O R K

2130

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. JOHN, NOLAN -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to enforcement of public work contracts by an employee organization

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

Section 1. Section 223 of the labor law, as amended by chapter 929 of the laws of 1935, is amended to read as follows:

S 223. Enforcement of article. If the fiscal officer as defined herein finds that any person contracting with the state, a municipal corporation, or any commission appointed pursuant to law, for the performance of any public work fails to comply with or evades the provisions of this article, he OR SHE shall present evidence of such non-compliance or evasion to the officer, department, board or commission having charge of such work for enforcement. Wherein such evidence indicates a non-compliance or evasion on the part of a sub-contractor, the contractor shall be responsible for such non-compliance or evasion. It shall be the duty of any officer, department, board or commission in charge of the construction of such public work contracts to enforce the provisions of this article. IN ADDITION, AN EMPLOYEE ORGANIZATION SHALL HAVE THE SAME STANDING TO ENFORCE THE PROVISIONS OF THIS ARTICLE AGAINST A CONTRACTOR OR ANY SUB-CONTRACTOR AS THE OFFICER, DEPARTMENT, BOARD OR COMMISSION IN CHARGE OF SUCH PUBLIC WORK CONTRACT IF ANY OF THE EMPLOYEE ORGANIZATION'S MEMBERS WERE EMPLOYED ON SUCH PUBLIC WORK PROJECT BY ANY CONTRACTOR OR SUB-CONTRACTOR WHO FAILS TO COMPLY WITH OR EVADES THE PROVISIONS OF THIS ARTICLE. IT SHALL NOT BE NECESSARY FOR THE FISCAL OFFICER TO PRESENT EVIDENCE OF SUCH NON-COMPLIANCE OR EVASION TO THE EMPLOYEE ORGANIZATION IN ORDER FOR SAID EMPLOYEE ORGANIZATION TO ENFORCE THE PROVISIONS OF THIS ARTICLE. WHERE THE NON-COMPLIANCE OR EVASION IS ON THE PART OF ANY SUB-CONTRACTOR, THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUCH NON-COMPLIANCE OR EVASION.

S 2. This act shall take effect immediately.

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

LBD04717-01-9