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

2140

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, the general municipal law and the state finance law, in relation to the payment of the prevailing wage and supplements for certain employees

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

Section 1. Section 220 of the labor law is amended by adding a new subdivision 10 to read as follows:

10. IF AN EMPLOYEE, CLIENT, INMATE OR STUDENT OF ANY POLITICAL SUBDIVISION, BOARD, AGENCY, SCHOOL DISTRICT, PUBLIC UNIVERSITY OR COLLEGE, COMMISSION, PUBLIC AUTHORITY, BOARD OF COOPERATIVE EDUCATION, PENAL INSTITUTION OR PUBLIC MENTAL HEALTH FACILITY PERFORMS ANY WORK OR SERVICES PURSUANT TO THIS CHAPTER FOR ANY PUBLIC ENTITY OF WHICH THAT PERSON IS NOT EMPLOYED, ENROLLED, INCARCERATED OR RECEIVING SERVICES FROM, SUCH PERSON SHALL BE COMPENSATED THE PREVAILING WAGE AND SUPPLEMENTS REQUIRED BY THIS ARTICLE BY THE PUBLIC OWNER OF THE PROJECT.

S 2. Subdivision 2 of section 101 of the general municipal law, as added by chapter 861 of the laws of 1953, is amended to read as follows:

2. Such specifications shall be drawn so as to permit separate and independent bidding upon each of the above three subdivisions of work. All contracts awarded by any political subdivision or by an officer, board or agency thereof, or of any district therein, for the erection, construction, reconstruction or alteration of buildings, or any part thereof, shall award the three subdivisions of the above specified work separately in the manner provided by section one hundred three of this chapter. Nothing in this section shall be construed to prevent any political subdivision from performing any such branches of work by or through their regular employees, or in the case of public institutions, by the inmates thereof, PROVIDED THAT, NO EMPLOYEE, CLIENT, INMATE OR STUDENT OF ANY POLITICAL SUBDIVISION, BOARD, AGENCY, SCHOOL DISTRICT,

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

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PUBLIC UNIVERSITY OR COLLEGE, COMMISSION, PUBLIC AUTHORITY, BOARD OF COOPERATIVE EDUCATION, PENAL INSTITUTION OR PUBLIC MENTAL HEALTH FACILITY, SHALL PERFORM ANY WORK SET FORTH IN THIS SECTION OR PERFORM ANY OF THE THREE SUBDIVISIONS OF WORK FOR THE ERECTION, CONSTRUCTION, RECONSTRUCTION OR ALTERATION OF BUILDINGS, OR ANY PART THEREOF, UNLESS SUCH PERSON IS A GRADUATE OF A DEPARTMENT APPROVED AND REGISTERED APPRENTICESHIP TRAINING PROGRAM FOR THE TRADE IN WHICH SUCH WORK IS TO BE PERFORMED, AND PROVIDED FURTHER, IF SUCH AN EMPLOYEE, CLIENT, INMATE OR STUDENT PERFORMS ANY WORK OR SERVICES PURSUANT TO THE LABOR LAW FOR ANY PUBLIC ENTITY OF WHICH THAT PERSON IS NOT EMPLOYED, ENROLLED, INCARCERATED OR RECEIVING SERVICES FROM, SUCH PERSON SHALL BE COMPENSATED THE PREVAILING WAGE AND SUPPLEMENTS REQUIRED BY ARTICLE EIGHT OF THE LABOR LAW BY THE PUBLIC OWNER OF THE PROJECT.

S 3. The closing paragraph of section 135 of the state finance law, as amended by section 3 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

Nothing in this section shall be construed to prevent the authorities in charge of any state building, from performing any such branches of work by or through their regular employees, or in the case of public institutions, by the inmates thereof, PROVIDED THAT, NO EMPLOYEE, CLIENT, INMATE OR STUDENT OF ANY POLITICAL SUBDIVISION, BOARD, AGENCY, SCHOOL DISTRICT, PUBLIC UNIVERSITY OR COLLEGE, COMMISSION, PUBLIC AUTHORITY, BOARD OF COOPERATIVE EDUCATION, PENAL INSTITUTION OR PUBLIC MENTAL HEALTH FACILITY, SHALL PERFORM ANY WORK SET FORTH IN SECTION ONE HUNDRED ONE OF THE GENERAL MUNICIPAL LAW OR PERFORM ANY OF THE THREE SUBDIVISIONS OF WORK SET FORTH IN SECTION ONE HUNDRED ONE OF THE GENERAL MUNICIPAL LAW FOR THE ERECTION, CONSTRUCTION, RECONSTRUCTION OR ALTERATION OF BUILDINGS, OR ANY PART THEREOF, UNLESS SUCH PERSON IS A GRADUATE OF A DEPARTMENT OF LABOR APPROVED AND REGISTERED APPRENTICESHIP TRAINING PROGRAM FOR THE TRADE IN WHICH SUCH WORK IS TO BE PERFORMED, AND PROVIDED FURTHER, IF SUCH AN EMPLOYEE, CLIENT, INMATE OR STUDENT PERFORMS ANY WORK OR SERVICES PURSUANT TO THE LABOR LAW FOR ANY PUBLIC ENTITY OF WHICH SUCH PERSON IS NOT EMPLOYED, ENROLLED, INCARCERATED OR RECEIVING SERVICES FROM, THAT PERSON SHALL BE COMPENSATED THE PREVAILING WAGE AND SUPPLEMENTS REQUIRED BY ARTICLE EIGHT OF THE LABOR LAW BY THE PUBLIC OWNER OF THE PROJECT.

S 4. This act shall take effect on the sixtieth day after it shall have become a law.