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

393

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

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:

Section 1. Section 220 of the labor law is amended by adding a new subdivision 4-a to read as follows:

4-A. 1. NO CONTRACTOR OR SUB-CONTRACTOR CAN ENGAGE A SUB-CONTRACTOR OR ANY PERSON TO PERFORM THE WHOLE OR ANY PART OF A PUBLIC WORKS OR IMPROVEMENT SUB-CONTRACT EXCEPT PURSUANT TO A WRITTEN AGREEMENT.

2. THE TERMS AND CONDITIONS OF SUCH AGREEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO:

A. THE NAMES OF THE PARTIES;

B. THE OFFICE ADDRESSES OF THE PARTIES, WHICH SHALL NOT BE A POST OFFICE BOX;

C. IF THE SUB-CONTRACTOR IS NOT A CORPORATION, THE NAMES OF THE INDIVIDUAL OWNERS OR PARTNERS AND THEIR HOME ADDRESSES;

D. THE TAX IDENTIFICATION NUMBER OF THE SUB-CONTRACTOR;

E. A DESCRIPTION OF THE GOODS, WORK OR SERVICES TO BE PROVIDED;

F. THE WORK LOCATION OR SITE WHERE THE GOODS, WORK OR SERVICES ARE TO BE PROVIDED;

G. THE PROJECTED SCHEDULE FOR DELIVERY OF GOODS OR COMPLETION OF SUCH WORK OR SERVICES;

H. THE VALUE OF THE SUB-CONTRACT;

I. THE PROJECTED NUMBER OF EMPLOYEES AND THEIR WORK CLASSIFICATIONS; AND

J. AN AGREEMENT TO ABIDE BY AND COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LABOR LAWS, INCLUDING PREVAILING WAGE LAWS AND POSTING REQUIREMENTS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

LBD02550-01-9