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

405

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the labor law and the public officers law, in relation to public access to certain records regarding public work and building service 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. ALL PUBLIC ENTITIES SUBJECT TO THIS ARTICLE SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING OF THE RECORDS OR PORTIONS THEREOF PERTAINING TO THE EMPLOYEE CLASSIFICATIONS OF, RATE OF WAGES AND SUPPLEMENTS PAID TO, AND NUMBER OF HOURS WORKED BY THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES PERFORMING WORK PURSUANT TO THIS ARTICLE OR ARTICLE NINE OF THIS CHAPTER. THE SOCIAL SECURITY NUMBERS OF SUCH EMPLOYEES SHALL BE REDACTED BY THE ENTITY. AN ENTITY SHALL NOT BE PERMITTED TO DENY ACCESS TO RECORDS OR PORTIONS THEREOF PERTAINING TO THE PAYMENT OF WAGES AND SUPPLEMENTS TO, AND NUMBER OF HOURS WORKED BY, THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES SUBJECT TO THIS ARTICLE OR ARTICLE NINE OF THIS CHAPTER.

S 2. Section 233 of the labor law is amended by adding a new subdivision 5 to read as follows:

5. ALL PUBLIC ENTITIES SUBJECT TO THIS ARTICLE SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING THE RECORDS OR PORTIONS THEREOF PERTAINING TO THE EMPLOYEE CLASSIFICATIONS OF, RATE OF WAGES AND SUPPLEMENTS PAID TO, AND NUMBER OF HOURS WORKED BY THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES PERFORMING WORK PURSUANT TO THIS ARTICLE OR ARTICLE EIGHT OF THIS CHAPTER. THE SOCIAL SECURITY NUMBERS OF SUCH EMPLOYEES SHALL BE REDACTED BY THE ENTITY. AN ENTITY SHALL NOT BE PERMITTED TO DENY ACCESS TO RECORDS OR PORTIONS THEREOF PERTAINING TO

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

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THE PAYMENT OF WAGES AND SUPPLEMENTS TO, AND NUMBER OF HOURS WORKED BY, THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES SUBJECT TO THIS ARTICLE OR ARTICLE EIGHT OF THIS CHAPTER.

S 3. Subdivision 2 of section 87 of the public officers law is amended by adding a new paragraph (k) to read as follows:

(K) PROVIDED THAT, NOTHING IN THIS SECTION SHALL PERMIT AN AGENCY TO DENY ACCESS TO RECORDS OR PORTIONS THEREOF PERTAINING TO THE PAYMENT OF WAGES AND SUPPLEMENTS TO, AND NUMBER OF HOURS WORKED BY, THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES SUBJECT TO ARTICLE EIGHT OR NINE OF THE LABOR LAW. ALL PUBLIC AGENCIES SUBJECT TO THIS ARTICLE SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING ALL RECORDS, EMPLOYEE CLASSIFICATIONS, RATES OF WAGES AND SUPPLEMENTS, AND NUMBER OF HOURS WORKED BY THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES PERFORMING WORK PURSUANT TO ARTICLE EIGHT OR NINE OF THE LABOR LAW. THE SOCIAL SECURITY NUMBERS OF SAID EMPLOYEES SHALL BE REDACTED BY THE AGENCY.

S 4. Paragraph (a) of subdivision 2 of section 89 of the public officers law, as added by chapter 933 of the laws of 1977, is amended to read as follows:

(a) The committee on public access to records may promulgate guidelines regarding deletion of identifying details or withholding of records otherwise available under this article to prevent unwarranted invasions of personal privacy. In the absence of such guidelines, an agency may delete identifying details when it makes records available; PROVIDED, HOWEVER, NOTHING IN THIS SECTION SHALL PERMIT THE DENIAL OF ACCESS TO RECORDS OR PORTIONS THEREOF PERTAINING TO THE PAYMENT OF WAGES AND SUPPLEMENTS TO, AND NUMBER OF HOURS WORKED BY, THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES SUBJECT TO ARTICLE EIGHT OR NINE OF THE LABOR LAW. ALL PUBLIC AGENCIES SUBJECT TO THIS ARTICLE SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING ALL RECORDS, EMPLOYEE CLASSIFICATIONS, RATE OF WAGES AND SUPPLEMENTS, AND NUMBER OF HOURS WORKED BY THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES PERFORMING WORK PURSUANT TO ARTICLE EIGHT OR NINE OF THE LABOR LAW. THE SOCIAL SECURITY NUMBERS OF SAID EMPLOYEES SHALL BE REDACTED BY THE AGENCY.

S 5. Paragraph (b) of subdivision 2 of section 89 of the public officers law is amended by adding a new subparagraph vii to read as follows:

VII. PROVIDED THAT, NOTHING IN THIS SECTION SHALL PERMIT AN AGENCY TO DENY ACCESS TO RECORDS OR PORTIONS THEREOF PERTAINING TO THE PAYMENT OF WAGES AND SUPPLEMENTS TO, AND NUMBER OF HOURS WORKED BY, EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES SUBJECT TO ARTICLE EIGHT OR NINE OF THE LABOR LAW. IT SHALL NOT BE AN UNWARRANTED INVASION OF PERSONAL PRIVACY FOR ALL PUBLIC AGENCIES SUBJECT TO THIS ARTICLE, TO MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING THE RECORDS OF ALL EMPLOYEE CLASSIFICATIONS, RATE OF WAGES AND SUPPLEMENTS, AND NUMBER OF HOURS WORKED BY THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES PERFORMING WORK PURSUANT TO ARTICLE EIGHT OR NINE OF THE LABOR LAW. THE SOCIAL SECURITY NUMBERS OF SAID EMPLOYEES SHALL BE REDACTED BY THE AGENCY.

S 6. Subdivision 2-a of section 89 of the public officers law, as added by chapter 652 of the laws of 1983, is amended to read as follows:

2-a. Nothing in this article shall permit disclosure which constitutes an unwarranted invasion of personal privacy as defined in subdivision two of this section if such disclosure is prohibited under section ninety-six of this chapter, PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL PERMIT AN AGENCY TO DENY ACCESS TO RECORDS OR PORTIONS THEREOF PERTAINING TO THE PAYMENT OF RATE OF WAGES AND SUPPLEMENTS TO, AND NUMBER OF HOURS WORKED BY, EMPLOYEES OF CONTRACTORS CLASSIFIED AS

APPRENTICES SUBJECT TO ARTICLE EIGHT OR NINE OF THE LABOR LAW. IT SHALL NOT BE AN UNWARRANTED INVASION OF PERSONAL PRIVACY AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, NOR A PROHIBITED DISCLOSURE UNDER SECTION NINETY-SIX OF THIS CHAPTER FOR ALL PUBLIC AGENCIES SUBJECT TO THIS ARTICLE, TO MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING, THE RECORDS OF ALL EMPLOYEE CLASSIFICATIONS, RATE OF WAGES AND SUPPLEMENTS, AND NUMBER OF HOURS WORKED BY THE EMPLOYEES OF CONTRACTORS CLASSIFIED AS APPRENTICES PERFORMING WORK PURSUANT TO ARTICLE EIGHT OR NINE OF THE LABOR LAW. THE SOCIAL SECURITY NUMBERS OF SAID EMPLOYEES SHALL BE REDACTED BY THE AGENCY.

S 7. This act shall take effect on the sixtieth day after it shall have become a law.