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

2248--A

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sens. ONORATO, ADDABBO, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 PUBLIC WORK OR IMPROVEMENT TO BE PERFORMED;

F. THE WORK LOCATION OR SITE WHERE THE PUBLIC WORK OR IMPROVEMENT IS TO BE SITUATED, ERECTED OR USED;

G. THE AMOUNT OF PAYMENT TO THE SUB-CONTRACTOR OR THE MANNER IN WHICH SUCH PAYMENT WILL BE DETERMINED;

H. THE TYPES OF WORK CLASSIFICATIONS OF EMPLOYEES UNDER THE SUB-CONTRACT; AND

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

LBD02550-02-9

I. 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, and shall apply to contracts entered into on or after such effective date.