

8445

I N S E N A T E

July 15, 2010

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

AN ACT to amend the labor law and a chapter of the laws of 2010, amending the labor law relating to prevailing wages for service workers, as proposed in legislative bills numbers S.8379-A and A.10257-D, in relation to applicability of certain provisions in relation to such wages and the effective date of such chapter, and to repeal a provision of the labor law relating thereto

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

1 Section 1. Subdivision 2 of section 230 of the labor law, as amended
2 by a chapter of the laws of 2010 amending the labor law relating to
3 prevailing wages for service workers, as proposed in legislative bills
4 numbers S.8379-A and A.10257-D, is amended to read as follows:
5 2. "Service work" means work performed by a service employee, but does
6 not include work performed for a contractor under a contract for the
7 furnishing of services by radio, telephone, telegraph or cable companies
8 OR JANITORIAL OR SECURITY WORK PERFORMED ON THE PREMISES OWNED OR OPER-
9 ATED BY THE POWER AUTHORITY OF THE STATE OF NEW YORK UNLESS SUCH PREM-
10 ISSES ARE JOINTLY OWNED OR OPERATED WITH ANY NON-GOVERNMENTAL PUBLIC
11 UTILITY OR SUBSTANTIALLY-OWNED AFFILIATED ENTITY OF SUCH PUBLIC UTILITY
12 AS DEFINED IN SUBDIVISION THREE OF THIS SECTION. ["Service work" shall
13 also include work performed under a contract, with the exception of a
14 contract or subcontract in which a business improvement district is a
15 party, for the benefit of a public agency with any third party person or
16 entity acting in place of, on behalf of or for the benefit of such
17 public agency in the provision of building or property management
18 services or similar services pursuant to any lease or other agreement
19 between such third party person or entity and the public agency
20 provided, however, that "service work" shall not include work performed
21 under a lease or similar agreement in a privately owned building where
22 the space occupied by the public agency represents less than ten thou-
23 sand square feet.]

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

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1 S 2. Subdivision 8 of section 231 of the labor law, as added by a
2 chapter of the laws of 2010 amending the labor law relating to prevail-
3 ing wages for service workers, as proposed in legislative bills numbers
4 S.8379-A and A.10257-D, is REPEALED.

5 S 3. Section 10 of a chapter of the laws of 2010, amending the labor
6 law relating to prevailing wages for service workers, as proposed in
7 legislative bills numbers S.8379-A and A.10257-D, is amended to read as
8 follows:

9 S 10. This act shall take effect on the ninetieth day after it shall
10 have become a law, and shall apply to all contracts or other agreements
11 entered into, renewed, or extended on or after such date; PROVIDED THAT
12 PAYMENT OF PREVAILING WAGES FOR WORK PERFORMED UNDER A CONTRACT OR OTHER
13 AGREEMENT MADE SUBJECT TO PREVAILING WAGE REQUIREMENTS BY THIS ACT SHALL
14 NOT BE REQUIRED FOR WORK PERFORMED BEFORE JULY 1, 2011; provided,
15 FURTHER however: (a) the amendments to subdivision 4 of section 230 of
16 the labor law made by section two of this act shall be subject to the
17 expiration and reversion of such subdivision pursuant to section 5 of
18 chapter 678 of the laws of 2007, as amended, when upon such date the
19 provisions of section four of this act shall take effect; and

20 (b) the amendments to subdivision 5 of section 231 of the labor law
21 made by section three of this act shall be subject to the expiration and
22 reversion of such subdivision pursuant to section 5 of chapter 678 of
23 the laws of 2007, as amended, when upon such date the provisions of
24 section five of this act shall take effect.

25 S 4. This act shall take effect on the same date and in the same
26 manner as a chapter of the laws of 2010 amending the labor law relating
27 to prevailing wages for service workers, as proposed in legislative
28 bills numbers S.8379-A and A.10257-D, takes effect.