

5261

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. GIANARIS, GREENE -- Multi-Sponsored by -- M. of A. BRODSKY, CHRISTENSEN, CLARK, DESTITO, DINOWITZ, GALEF, HIKIND, HOYT, MAYERSOHN, MCENENY, PERRY, PHEFFER, PRETLOW, SWEENEY -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting employers who flee the state and avoid paying benefits to employees from bidding on public contracts

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

1 Section 1. The labor law is amended by adding a new section 220-i to
2 read as follows:
3 S 220-I. CERTAIN OUT OF STATE EMPLOYERS NOT TO BID ON PUBLIC
4 CONTRACTS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYER
5 WHO TERMINATES THE CONDUCT OF A BUSINESS IN THIS STATE AND WHO RELOCATES
6 SUCH BUSINESS OR A SUBSTANTIAL PART THEREOF OUTSIDE THE STATE AND AVOIDS
7 THE PAYMENT OF A BENEFIT TO EMPLOYEES THEREBY SHALL BE AND IS HEREBY
8 PROHIBITED FROM BIDDING ON PUBLIC CONTRACTS OF ANY NATURE IN THIS STATE
9 FOR AS LONG AS THE FAILURE TO PAY SUCH BENEFITS CONTINUES, INCLUDING
10 EXISTING AND ACCRUED MONEYS DUE, AND FOR AN ADDITIONAL PERIOD OF TWO
11 YEARS AFTER PAYMENT THEREOF.
12 2. AS USED IN SUBDIVISION ONE OF THIS SECTION: (A) A "SUBSTANTIAL
13 PART" OF A BUSINESS MEANS THE EMPLOYMENT BY SUCH BUSINESS OF MORE THAN
14 TWENTY PERCENT OF THE NUMBER EMPLOYED BY THE BUSINESS WHILE OPERATING
15 WITHIN THE STATE DURING THE YEAR IMMEDIATELY PRECEDING THE RELOCATION
16 OUTSIDE THE STATE; AND (B) A "BENEFIT" MEANS ANY STATUTORY OR CONTRACTU-
17 AL RIGHT WHICH AN EMPLOYEE IS PRESENTLY ENTITLED TO BUT WHICH WOULD BE
18 LOST UPON RELOCATION OUTSIDE THE STATE.
19 3. THE COMMISSIONER SHALL MAINTAIN A CURRENT LIST OF SUCH BUSINESSES
20 AS MAY HAVE BEEN SUBJECT TO COMPLAINTS OF VIOLATION OF THE PROVISIONS OF
21 THIS SECTION. SUCH LIST SHALL BE COMPILED UPON VERIFICATION OF SUBJECT

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

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1 COMPLAINTS AND CURRENT LISTS SHALL BE MAILED ON A MONTHLY BASIS TO ALL
2 STATE AGENCIES AND DEPARTMENTS ACCEPTING BIDS FOR PUBLIC WORK.
3 4. THE COMMISSIONER SHALL ESTABLISH SUCH RULES AND REGULATIONS AS MAY
4 BE NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION.
5 S 2. This act shall take effect on the one hundred twentieth day after
6 it shall have become a law.