

8522

2009-2010 Regular Sessions

I N A S S E M B L Y

May 27, 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 the use of qual-
ified local labor

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Regional Labor Protection Act of 2009".
3 S 2. Legislative findings. The legislature hereby finds and declares
4 that in order to increase employment of state residents, especially
5 construction workers, it shall invest in public works projects.
6 The legislature further declares that channeling funds to such public
7 works projects for the employment of qualified local residents will
8 reduce unemployment while improving the welfare of its residents and
9 facilitating the completing of public works projects more quickly, effi-
10 ciently and economically.
11 Therefore, the legislature declares that in certain limited situations
12 there shall be a preference for qualified local labor.
13 S 3. The labor law is amended by adding a new section 220-i to read as
14 follows:
15 S 220-I. USE OF QUALIFIED LOCAL LABOR. 1. NOTWITHSTANDING THE
16 PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, IN THE
17 CONSTRUCTION OF PUBLIC WORKS PROVIDING FOR THE EXPENDITURE OF STATE
18 PUBLIC MONEY, ANY AGENCY, BOARD, DEPARTMENT, COMMISSION OR OFFICER OF
19 THE STATE OF NEW YORK, OR OF ANY POLITICAL SUBDIVISION THEREOF AS
20 DEFINED IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW, MUNICIPAL
21 CORPORATION AS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION
22 LAW, PUBLIC BENEFIT CORPORATION, OR LOCAL OR STATE AUTHORITY AS DEFINED
23 IN SECTION TWO OF THE PUBLIC AUTHORITIES LAW HAVING JURISDICTION OVER
24 THE PUBLIC WORK SHALL REQUIRE A CONTRACTOR AWARDED A CONTRACT, SUBCON-
25 TRACT, LEASE, GRANT, BOND, COVENANT OR OTHER AGREEMENT FOR A PROJECT TO

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

LBD14024-02-9

1 EMPLOY QUALIFIED LOCAL RESIDENTS WHO ARE UNEMPLOYED AT THE TIME AS
2 LABORERS, WORKMEN OR MECHANICS ON SAID PUBLIC WORK PROJECT WHENEVER THE
3 UNEMPLOYMENT RATE FOR CONSTRUCTION WORKERS IN A REGIONAL AREA IN NEW
4 YORK STATE AS DETERMINED AND PUBLISHED BY THE DEPARTMENT TO BE SIX PER
5 CENTUM OR MORE FOR A PERIOD OF THREE CONSECUTIVE MONTHS AND SAID
6 REQUIREMENT SHALL CONTINUE UNTIL SUCH TIME AS THE UNEMPLOYMENT RATE FOR
7 SUCH CONSTRUCTION WORKERS IN THE REGIONAL AREA SHALL BE BELOW SIX PER
8 CENTUM FOR THREE CONSECUTIVE MONTHS.

9 2. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW
10 TO THE CONTRARY, IN THE CONSTRUCTION OF PUBLIC WORKS PROVIDING FOR THE
11 EXPENDITURE OF STATE PUBLIC MONEY, ANY AGENCY, BOARD, DEPARTMENT,
12 COMMISSION OR OFFICER OF THE STATE OF NEW YORK, OR OF ANY POLITICAL
13 SUBDIVISION THEREOF AS DEFINED IN SECTION ONE HUNDRED OF THE GENERAL
14 MUNICIPAL LAW, MUNICIPAL CORPORATION AS DEFINED IN SECTION SIXTY-SIX OF
15 THE GENERAL CONSTRUCTION LAW, PUBLIC BENEFIT CORPORATION, OR LOCAL OR
16 STATE AUTHORITY AS DEFINED IN SECTION TWO OF THE PUBLIC AUTHORITIES LAW
17 HAVING JURISDICTION OVER THE PUBLIC WORK SHALL REQUIRE A CONTRACTOR
18 AWARDED A CONTRACT, SUBCONTRACT, LEASE, GRANT, BOND, COVENANT OR OTHER
19 AGREEMENT FOR A PROJECT TO EMPLOY LOCAL RESIDENTS AS LABORERS, WORKMEN
20 OR MECHANICS ON SAID PUBLIC WORK PROJECT DURING AND FOR THE WORK
21 INVOLVED WITH SUCH PROJECT WHEN SUCH REQUIREMENT IS PART OF THE AGENCY,
22 BOARD, DEPARTMENT, COMMISSION OR OFFICER OF THE STATE OF NEW YORK, POLI-
23 TICAL SUBDIVISION, MUNICIPAL CORPORATION, PUBLIC BENEFIT CORPORATION OR
24 LOCAL OR STATE AUTHORITY HAVING JURISDICTION OVER THE PUBLIC WORK
25 REQUEST FOR PROPOSALS FOR THE PROJECT AND WHEN THE AGENCY, BOARD,
26 DEPARTMENT, COMMISSION OR OFFICER OF THE STATE OF NEW YORK, POLITICAL
27 SUBDIVISION, MUNICIPAL CORPORATION, PUBLIC BENEFIT CORPORATION OR LOCAL
28 OR STATE AUTHORITY HAVING JURISDICTION OVER THE PUBLIC WORK DETERMINES
29 THAT THE PUBLIC WORK PROJECT WILL BE COMPLETED MORE QUICKLY, MORE EFFI-
30 CIENTLY AND MORE ECONOMICALLY, THAT ITS INTEREST IN OBTAINING THE BEST
31 WORK AT THE LOWEST POSSIBLE PRICE AND OTHER CONSIDERATIONS SUCH AS THE
32 IMPACT OF DELAY AND THE POSSIBILITY OF COST SAVINGS ADVANTAGES, ARE BEST
33 MET BY REQUIRING QUALIFIED LOCAL RESIDENTS.

34 3. FOR PURPOSES OF THIS SECTION "QUALIFIED LOCAL RESIDENTS" SHALL MEAN
35 CITIZENS OF THE STATE OF NEW YORK WHO HAVE BEEN RESIDING IN THE REGIONAL
36 AREA OF THE STATE WHERE THE PUBLIC WORKS PROJECT IS LOCATED FOR AT LEAST
37 TWELVE CONSECUTIVE MONTHS IMMEDIATELY PRIOR TO THE COMMENCEMENT OF THEIR
38 EMPLOYMENT ON THE PUBLIC WORKS PROJECT. EACH QUALIFIED LOCAL RESIDENT
39 SHALL FURNISH SATISFACTORY PROOF OF RESIDENCE AND QUALIFICATIONS IN
40 THEIR TRADE OR SKILL, IN ACCORDANCE WITH RULES AND PROCEDURES ADOPTED BY
41 THE COMMISSIONER.

42 4. A VIOLATION OF THIS SECTION SHALL CONSTITUTE A MISDEMEANOR AND
43 SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE
44 THAN FIVE HUNDRED DOLLARS, OR BY IMPRISONMENT FOR NOT LESS THAN THIRTY
45 NOR MORE THAN NINETY DAYS, OR BY BOTH FINE AND IMPRISONMENT. EACH SEPA-
46 RATE CASE OF FAILURE TO EMPLOY QUALIFIED LOCAL RESIDENTS ON PUBLIC WORKS
47 PROJECTS CONSTITUTES A SEPARATE OFFENSE.

48 S 4. This act shall take effect on the thirtieth day after it shall
49 have become a law and shall control all contracts advertised or solicit-
50 ed for bid on or after such effective date.