

4309

2009-2010 Regular Sessions

I N S E N A T E

April 21, 2009

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

AN ACT to amend the labor law, in relation to directing the commissioner
of labor to calculate proper payment of supplements by an annualiza-
tion methodology

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

1 Section 1. Section 220 of the labor law is amended by adding a new
2 subdivision 3-f to read as follows:
3 3-F. IN ORDER TO PREVENT EMPLOYERS FROM USING PUBLIC WORK, AS DEFINED
4 IN THIS ARTICLE, AS A DISPROPORTIONATE OR EXCLUSIVE SOURCE OF FUNDING
5 FOR BENEFITS THAT ARE IN FACT CONTINUOUS IN NATURE AND ARE PART OF THE
6 REGULAR COMPENSATION FOR ALL EMPLOYEE WORK WHETHER PUBLIC OR PRIVATE,
7 THE COMMISSIONER SHALL DIRECT THAT THE PROPER PAYMENT OF SUPPLEMENTS
8 SHALL BE CALCULATED BY EMPLOYING THE ANNUALIZATION METHODOLOGY UTILIZED
9 BY THE UNITED STATES DEPARTMENT OF LABOR IN CALCULATIONS UNDER THE DAVIS
10 BACON ACT OF 1931, AS AMENDED, 40 USC. S 276(A)-276-A-7.
11 S 2. This act shall take effect on the one hundred twentieth day after
12 it shall have become a law and shall apply to all contracts and agree-
13 ments entered into on and after such date. Effective immediately, the
14 addition, amendment and/or repeal of any rule or regulation necessary
15 for the implementation of this act on its effective date is authorized
16 and directed to be made and completed on or before such effective date.

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

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