

5014

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. STACHOWSKI, SAVINO -- 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 establishing a time schedule for prevailing wage violation claims

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

1 Section 1. Subdivision 7 of section 220 of the labor law, as amended
2 by chapter 7 of the laws of 2008, is amended to read as follows:
3 7. Compliance investigations. The fiscal officer as herein defined
4 shall on a verified complaint in writing of any person interested or of
5 any employee organization pursuant to subdivision eight-d of this
6 section, and may on his own initiative cause a compliance investigation
7 to be made to determine whether the contractor or a subcontractor has
8 paid the prevailing rate of wages and prevailing practices for supplements
9 in the same trade or occupation in the locality within the state
10 where such public work is being performed, or the hours of labor
11 performed by the workmen, laborers and mechanics employed on such public
12 work, or both. The fiscal officer or his agents, examiners and inspectors
13 may examine or cause to be examined the books and records pertaining
14 to the rate of wages paid and supplements provided to the laborers,
15 workmen and mechanics on said public work and the hours of labor
16 performed by such laborers, workmen and mechanics on said public work.
17 The fiscal officer in such investigation shall be deemed to be acting in
18 a judicial capacity, and shall have the right to issue subpoenas, administer
19 oaths and examine witnesses. The enforcement of a subpoena issued
20 under this section shall be regulated by the civil practice law and
21 rules. [Such] UPON RECEIPT OF ALL RECORDS REQUIRED UNDER THIS ARTICLE
22 FOR SUCH INVESTIGATION, THE fiscal officer shall TAKE ALL REASONABLE
23 STEPS TO EXPEDITIOUSLY make either an order, determination or any other
24 disposition, including but not limited to an agreed upon settlement
25 and/or stipulation, within six months from the date of filing of such

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

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1 verified complaint, and where a compliance investigation is made without
2 the filing of a verified complaint, within six months from the date a
3 compliance investigation is initiated by such fiscal officer. Upon the
4 making of said order or determination, or upon arriving at such agreed
5 upon settlement and/or stipulation, a copy thereof shall be sent by
6 certified mail, return receipt requested, by the fiscal officer: (i) to
7 the person and employee organization, if any, who or which initiated the
8 complaint, (ii) to the person or corporation, if any, against whom the
9 complaint was brought, and (iii) where a compliance investigation is
10 made without the filing of a complaint, to the person who or which was
11 the subject of the compliance investigation.
12 S 2. This act shall take effect immediately.