S T A T E O F N E W Y O R K

10036

I N A S S E M B L Y

May 2, 2012

Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to enacting the "prevailing wage protection and restoration act"

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

Section 1. Short title. This act shall be known and may be cited as the "prevailing wage protection and restoration act".

S 2. Subdivision 8-d of section 220 of the labor law, as amended by chapter 767 of the laws of 1984, is amended to read as follows:

8-d. Notwithstanding any inconsistent provision of this chapter or of any other law, in a city of one million or more, where a majority of laborers, [workmen] WORKERS or mechanics in a particular civil service title are members of an employee organization which has been certified or recognized to represent them pursuant to the provisions of article fourteen of the civil service law or a local law enacted thereunder, the public employer and such employee organization shall in good faith negotiate and enter into a written agreement with respect to the wages and supplements of the laborers, [workmen] WORKERS or mechanics in the title. If the parties fail to achieve an agreement, only the employee organization shall be authorized to file a single verified complaint pursuant to subdivision seven [herein] OF THIS SECTION, on behalf of the laborers, [workmen] WORKERS or mechanics so represented. Such employee organization shall be the sole and exclusive representative of such laborers, [workmen] WORKERS or mechanics at any hearing pursuant to subdivision eight [herein] OF THIS SECTION, and shall be the sole complainant in the proceeding for all purposes therein, including review pursuant to article seventy-eight of the civil practice law and rules. Service by the fiscal officer on the employee organization shall be sufficient notice to the laborers, [workmen] WORKERS or mechanics so represented for all purposes of subdivision eight [herein] OF THIS SECTION, except that the issuance and enforcement of subpoenas shall be regulated by the civil practice law and rules. Any order, compromise, or settlement determining the issues raised upon such a proceeding, which

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

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has not been taken up for review by the employee organization, shall be binding upon the laborers, [workmen] WORKERS or mechanics represented by the employee organization. Nothing herein shall be construed to limit the rights of any laborer, [workman] WORKER or mechanic who has on file a verified complaint prior to the effective date of this subdivision. THIS SECTION SHALL APPLY IRRESPECTIVE OF ANY ACTION TAKEN PURSUANT TO THE PROVISIONS OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW OR A LOCAL LAW OR ORDER ENACTED OR ADOPTED THEREUNDER TO ANY EMPLOYEE IN A TITLE WHERE THE PROVISIONS OF THIS SECTION HAVE BEEN PREVIOUSLY APPLIED BY THE FISCAL OFFICER AS OF APRIL FIRST, TWO THOUSAND TWELVE.

S 3. This act shall take effect immediately.