

5338

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 16, 2011

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

AN ACT to amend the labor law, in relation to requiring the use of qualified local labor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 2011".  
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.

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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.