

S T A T E   O F   N E W   Y O R K

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8086--A

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 1, 2011

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Introduced by M. of A. WRIGHT, BRONSON -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 2012".  
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

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

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1 IN SECTION TWO OF THE PUBLIC AUTHORITIES LAW HAVING JURISDICTION OVER  
2 THE PUBLIC WORK SHALL REQUIRE A CONTRACTOR AWARDED A CONTRACT, SUBCON-  
3 TRACT, LEASE, GRANT, BOND, COVENANT OR OTHER AGREEMENT FOR A PROJECT TO  
4 EMPLOY QUALIFIED LOCAL RESIDENTS WHO ARE UNEMPLOYED AT THE TIME AS  
5 LABORERS, WORKMEN OR MECHANICS ON SAID PUBLIC WORK PROJECT WHENEVER THE  
6 UNEMPLOYMENT RATE FOR CONSTRUCTION WORKERS IN A REGIONAL AREA IN NEW  
7 YORK STATE AS DETERMINED AND PUBLISHED BY THE DEPARTMENT TO BE SIX PER  
8 CENTUM OR MORE FOR A PERIOD OF THREE CONSECUTIVE MONTHS AND SAID  
9 REQUIREMENT SHALL CONTINUE UNTIL SUCH TIME AS THE UNEMPLOYMENT RATE FOR  
10 SUCH CONSTRUCTION WORKERS IN THE REGIONAL AREA SHALL BE BELOW SIX PER  
11 CENTUM FOR THREE CONSECUTIVE MONTHS.

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

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

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

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