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

3370

2011-2012 Regular Sessions

I N S E N A T E

February 17, 2011

Introduced by Sen. PARKER -- 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 allowing certain organizations access to certified payroll records of companies performing public work

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

Section 1. Subdivision 7 of section 220 of the labor law, as amended by chapter 7 of the laws of 2008, is amended to read as follows:

7. Compliance investigations. A. The fiscal officer as herein defined shall on a verified complaint in writing of any person interested or of any employee organization pursuant to subdivision eight-d of this section, and may on his own initiative cause a compliance investigation to be made to determine whether the contractor or a subcontractor has paid the prevailing rate of wages and prevailing practices for supplements in the same trade or occupation in the locality within the state where such public work is being performed, or the hours of labor performed by the workmen, laborers and mechanics employed on such public work, or both. The fiscal officer or his agents, examiners and inspectors may examine or cause to be examined the books and records pertaining to the rate of wages paid and supplements provided to the laborers, workmen and mechanics on said public work and the hours of labor performed by such laborers, workmen and mechanics on said public work. The fiscal officer in such investigation shall be deemed to be acting in a judicial capacity, and shall have the right to issue subpoenas, administer oaths and examine witnesses. The enforcement of a subpoena issued under this section shall be regulated by the civil practice law and rules. Such fiscal officer shall make either an order, determination or any other disposition, including but not limited to an agreed upon settlement and/or stipulation, within six months from the date of filing of such verified complaint, and where a compliance investigation is made

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

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without the filing of a verified complaint, within six months from the date a compliance investigation is initiated by such fiscal officer. Upon the making of said order or determination, or upon arriving at such agreed upon settlement and/or stipulation, a copy thereof shall be sent by certified mail, return receipt requested, by the fiscal officer: (i) to the person and employee organization, if any, who or which initiated the complaint, (ii) to the person or corporation, if any, against whom the complaint was brought, and (iii) where a compliance investigation is made without the filing of a complaint, to the person who or which was the subject of the compliance investigation.

B. (I) AN EMPLOYEE ORGANIZATION, WHICH HAS BEEN CERTIFIED OR RECOGNIZED TO REPRESENT EMPLOYEES EMPLOYED ON PUBLIC WORKS CONTRACTS, MAY REQUEST OF A STATE AGENCY, PUBLIC AUTHORITY, OR ANY OTHER STATE ENTITY AUTHORIZED TO LET OUT WORK ON PUBLIC WORKS CONTRACTS, TO BE FURNISHED WITH A COPY OF CERTIFIED PAYROLL RECORDS THAT HAVE BEEN PROVIDED TO SUCH AGENCY, PUBLIC AUTHORITY, OR ANY OTHER STATE ENTITY AUTHORIZED TO LET OUT WORK ON PUBLIC WORKS CONTRACTS, BY THE CONTRACTOR OR SUBCONTRACTOR PERTAINING TO A PUBLIC WORKS CONTRACT.

(II) IF SO REQUESTED, THE AGENCY, PUBLIC AUTHORITY, OR ANY OTHER STATE ENTITY AUTHORIZED TO LET OUT WORK ON PUBLIC WORKS CONTRACTS, MUST FURNISH A COPY OF SUCH CERTIFIED PAYROLL RECORDS TO THE ORGANIZATION WITHIN THIRTY DAYS OF THE RECEIPT OF SUCH REQUEST.

(III) THE CERTIFIED PAYROLL RECORDS MUST INCLUDE AT LEAST THE FOLLOWING INFORMATION:

(1) NAMES AND ADDRESSES OF ALL EMPLOYEES WORKING ON THE PUBLIC WORKS PROJECT;

(2) EMPLOYEE CLASSIFICATIONS;

(3) HOURS EMPLOYED ON THE PUBLIC WORKS PROJECT;

(4) WAGE RATE THAT HAS BEEN PAID TO THE EMPLOYEES;

(5) SUPPLEMENTAL WAGE RATE THAT HAS BEEN PAID TO THE EMPLOYEES;

(6) THE RATE OF ALL OTHER MONIES THAT WERE PAID TO EMPLOYEES.

S 2. This act shall take effect immediately.