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

3025

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

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

AN ACT to amend the labor law, in relation to the prevailing rate of wages for work associated with certain construction projects

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

Section 1. Paragraphs (a) and (b) of subdivision 3 of section 220 of the labor law, as amended by chapter 7 of the laws of 2008, are amended to read as follows:

(a) The wages to be paid for a legal day's work, as hereinbefore defined, to laborers, [workmen] WORKERS or mechanics upon such public works, shall be not less than the prevailing rate of wages as hereinafter defined. FOR PURPOSES OF THIS PARAGRAPH, "SUCH PUBLIC WORKS" SHALL INCLUDE ANY PROGRAM OR PROJECT THE FINANCING OF WHICH IS PROVIDED, IN WHOLE OR IN PART, BY ANY PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY, INDUSTRIAL DEVELOPMENT AGENCY, OR ANY SUBSIDIARY THEREOF. Serving laborers, helpers, assistants and apprentices shall not be classified as common labor and shall be paid not less than the prevailing rate of wages as hereinafter defined. No employee shall be deemed to be an apprentice unless he OR SHE is individually registered in an apprenticeship program which is duly registered with the commissioner [of labor] in conformity with the provisions of article twenty-three of this chapter. The wages to be paid for a legal day's work, as hereinbefore defined, to laborers, [workmen] WORKERS or mechanics upon any material to be used upon or in connection therewith, shall be not less than the prevailing rate for a day's work in the same trade or occupation in the locality within the state where such public work on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used. Such contracts shall contain a provision that each laborer, [workman] WORKER or mechanic, employed by

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

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such contractor, subcontractor or other person about or upon such public work, shall be paid the wages herein provided.

(b) The supplements, as hereinafter defined, to be provided to laborers, [workmen] WORKERS or mechanics upon such public works, shall be in accordance with the prevailing practices in the locality, as hereinafter defined. FOR PURPOSES OF THIS PARAGRAPH, "SUCH PUBLIC WORKS" SHALL INCLUDE ANY PROGRAM OR PROJECT THE FINANCING OF WHICH IS PROVIDED, IN WHOLE OR IN PART, BY ANY PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY, INDUSTRIAL DEVELOPMENT AGENCY, OR ANY SUBSIDIARY THEREOF. Serving laborers, helpers, assistants and apprentices shall not be classified as common labor and shall be provided supplements in accordance with the prevailing practices as hereinafter defined. No employee shall be deemed to be an apprentice unless he OR SHE is individually registered in an apprenticeship program which is duly registered with the [industrial] commissioner in conformity with the provisions of article twenty-three of this chapter. The supplements, as hereinafter defined, to be provided to laborers, [workmen] WORKERS or mechanics upon any material to be used upon or in connection therewith, shall be in accordance with the prevailing practices in the same trade or occupation in the locality within the state where such public work on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used. Such contracts shall contain a provision that each laborer, [workman] WORKER or mechanic, employed by such contractor, subcontractor or other person about or upon such public work, shall be provided the supplements as required in this article.

S 2. This act shall take effect immediately.