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

8086--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 1, 2011

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:

Section 1. Short title. This act shall be known and may be cited as the "Regional Labor Protection Act of 2012".

S 2. Legislative findings. The legislature hereby finds and declares that in order to increase employment of state residents, especially construction workers, it shall invest in public works projects.

The legislature further declares that channeling funds to such public works projects for the employment of qualified local residents will reduce unemployment while improving the welfare of its residents and facilitating the completing of public works projects more quickly, efficiently and economically.

Therefore, the legislature declares that in certain limited situations there shall be a preference for qualified local labor.

S 3. The labor law is amended by adding a new section 220-i to read as follows:

S 220-I. USE OF QUALIFIED LOCAL LABOR. 1. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, IN THE CONSTRUCTION OF PUBLIC WORKS PROVIDING FOR THE EXPENDITURE OF STATE PUBLIC MONEY, ANY AGENCY, BOARD, DEPARTMENT, COMMISSION OR OFFICER OF THE STATE OF NEW YORK, OR OF ANY POLITICAL SUBDIVISION THEREOF AS DEFINED IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW, MUNICIPAL CORPORATION AS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION 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.

LBD08923-02-2

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

2. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, IN THE CONSTRUCTION OF PUBLIC WORKS PROVIDING FOR THE EXPENDITURE OF STATE PUBLIC MONEY, ANY AGENCY, BOARD, DEPARTMENT, COMMISSION OR OFFICER OF THE STATE OF NEW YORK, OR OF ANY POLITICAL SUBDIVISION THEREOF AS DEFINED IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW, MUNICIPAL CORPORATION AS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION LAW, PUBLIC BENEFIT CORPORATION, OR LOCAL OR STATE AUTHORITY AS DEFINED IN SECTION TWO OF THE PUBLIC AUTHORITIES LAW HAVING JURISDICTION OVER THE PUBLIC WORK SHALL REQUIRE A CONTRACTOR AWARDED A CONTRACT, SUBCONTRACT, LEASE, GRANT, BOND, COVENANT OR OTHER AGREEMENT FOR A PROJECT TO EMPLOY LOCAL RESIDENTS AS LABORERS, WORKMEN OR MECHANICS ON SAID PUBLIC WORK PROJECT DURING AND FOR THE WORK INVOLVED WITH SUCH PROJECT WHEN SUCH REQUIREMENT IS PART OF THE AGENCY, BOARD, DEPARTMENT, COMMISSION OR OFFICER OF THE STATE OF NEW YORK, POLITICAL SUBDIVISION, MUNICIPAL CORPORATION, PUBLIC BENEFIT CORPORATION OR LOCAL OR STATE AUTHORITY HAVING JURISDICTION OVER THE PUBLIC WORK REQUEST FOR PROPOSALS FOR THE PROJECT AND WHEN THE AGENCY, BOARD, DEPARTMENT, COMMISSION OR OFFICER OF THE STATE OF NEW YORK, POLITICAL SUBDIVISION, MUNICIPAL CORPORATION, PUBLIC BENEFIT CORPORATION OR LOCAL OR STATE AUTHORITY HAVING JURISDICTION OVER THE PUBLIC WORK DETERMINES THAT THE PUBLIC WORK PROJECT WILL BE COMPLETED MORE QUICKLY, MORE EFFICIENTLY AND MORE ECONOMICALLY, THAT ITS INTEREST IN OBTAINING THE BEST WORK AT THE LOWEST POSSIBLE PRICE AND OTHER CONSIDERATIONS SUCH AS THE IMPACT OF DELAY AND THE POSSIBILITY OF COST SAVINGS ADVANTAGES, ARE BEST MET BY REQUIRING QUALIFIED LOCAL RESIDENTS.

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

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

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