

STATE OF NEW YORK

9742

IN ASSEMBLY

February 5, 2018

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 2018".

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

15 § 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
26 employ qualified local residents who are unemployed at the time as
27 laborers, workmen or mechanics on said public work project whenever the
28 unemployment rate for construction workers in a regional area in New

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

LBD07121-02-8

1 York state as determined and published by the department to be six per
2 centum or more for a period of three consecutive months and said
3 requirement shall continue until such time as the unemployment rate for
4 such construction workers in the regional area shall be below six per
5 centum for three consecutive months.

6 2. Notwithstanding the provisions of any general, special or local law
7 to the contrary, in the construction of public works providing for the
8 expenditure of state public money, any agency, board, department,
9 commission or officer of the state of New York, or of any political
10 subdivision thereof as defined in section one hundred of the general
11 municipal law, municipal corporation as defined in section sixty-six of
12 the general construction law, public benefit corporation, or local or
13 state authority as defined in section two of the public authorities law
14 having jurisdiction over the public work shall require a contractor
15 awarded a contract, subcontract, lease, grant, bond, covenant or other
16 agreement for a project to employ local residents as laborers, workmen
17 or mechanics on said public work project during and for the work
18 involved with such project when such requirement is part of the agency,
19 board, department, commission or officer of the state of New York, poli-
20 tical subdivision, municipal corporation, public benefit corporation or
21 local or state authority having jurisdiction over the public work
22 request for proposals for the project and when the agency, board,
23 department, commission or officer of the state of New York, political
24 subdivision, municipal corporation, public benefit corporation or local
25 or state authority having jurisdiction over the public work determines
26 that the public work project will be completed more quickly, more effi-
27 ciently and more economically, that its interest in obtaining the best
28 work at the lowest possible price and other considerations such as the
29 impact of delay and the possibility of cost savings advantages, are best
30 met by requiring qualified local residents.

31 3. For purposes of this section "qualified local residents" shall mean
32 citizens of the state of New York who have been residing in the regional
33 area of the state where the public works project is located for at least
34 twelve consecutive months immediately prior to the commencement of their
35 employment on the public works project. Each qualified local resident
36 shall furnish satisfactory proof of residence and qualifications in
37 their trade or skill, in accordance with rules and procedures adopted by
38 the commissioner.

39 4. A violation of this section shall constitute a misdemeanor and
40 shall be punishable by a fine of not less than fifty dollars nor more
41 than five hundred dollars, or by imprisonment for not less than thirty
42 nor more than ninety days, or by both fine and imprisonment. Each sepa-
43 rate case of failure to employ qualified local residents on public works
44 projects constitutes a separate offense.

45 § 4. This act shall take effect on the thirtieth day after it shall
46 have become a law and shall control all contracts advertised or solicit-
47 ed for bid on or after such effective date.