

STATE OF NEW YORK

2505

2019-2020 Regular Sessions

IN ASSEMBLY

January 23, 2019

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

AN ACT to amend the labor law, in relation to banning individuals who have violated wage theft laws from bidding on public works projects

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 224-a to
2 read as follows:

3 § 224-a. Prohibition against awarding public works project contracts
4 due to wage theft. 1. For the purpose of this section, "wage theft"
5 shall mean the denial of wages or employee benefits that are rightfully
6 owed to an employee.

7 2. Before the awarding of a contract for any public works project, an
8 individual; limited liability company; limited liability partnership;
9 corporation; partnership or any other legal entity bidding on such
10 public works project must reveal to the commissioner for review the full
11 names of all members; managers; individuals; and/or stockholders of such
12 limited liability company; limited liability partnership; corporation;
13 partnership or any other legal entity or person bidding on such project.

14 3. A public works contract shall not be awarded to any person; limited
15 liability company; limited liability partnership; corporation; partner-
16 ship or any other legal entity, who has any members; managers; and/or
17 stockholders who have interest in such legal entity, who has previously
18 been found guilty and/or debarred for wage theft.

19 4. At no time after the awarding of a public works project, shall a
20 person; limited liability company; limited liability partnership; corpo-
21 ration; partnership or any other legal entity authorize an individual as
22 manager; member and/or stockholder who has ever been debarred and/or
23 found guilty of wage theft to hold any interest in such legal entity.
24 The violation of this subdivision shall result in the immediate termi-
25 nation of the contract.

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

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1 5. Any individual person who knowingly or intentionally commits wage
2 theft, shall permanently be barred from bidding themselves, or being a
3 part; member; manager; and/or stockholder of any limited liability
4 company, limited liability partnership, corporation, partnership or any
5 other legal entity that bids on or is awarded any public works project.

6 § 2. This act shall take effect immediately.