STATE OF NEW YORK

5486

2023-2024 Regular Sessions

IN ASSEMBLY

March 13, 2023

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring the use of project labor agreements for large scale construction projects under the state university construction fund

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

Section 1. Section 370 of the education law is amended by adding a new subdivision 6-a to read as follows:

6-a. "Large-scale construction project" shall mean a construction project performed under the approved master plan of the state university; with respect to university-related economic development projects authorized by law pursuant to section three hundred seventy-two-a of this article involving the construction, acquisition, reconstruction, rehabilitation or improvement of academic buildings, dormitories and other facilities for which the total estimated cost of the construction contract or contracts to the fund is three million dollars or more.

§ 2. Section 376 of the education law is amended by adding a new subdivision 11 to read as follows:

11. (a) Each contract involving the awarding of a large-scale construction project shall require the use of a project labor agreement, as defined in subdivision one of section two hundred twenty-two of the labor law, for all contractors and subcontractors on the project, consistent with paragraph (a) of subdivision two of section two hundred twenty-two of the labor law.

(b) (i) The fund may grant an exception from the requirements of this subdivision by providing a specific written explanation of why a project labor agreement would not be consistent with paragraph (a) of subdivision two of section two hundred twenty-two of the labor law, or state competitive bidding laws, and why requiring a project labor agreement on

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

LBD06964-03-3

the project would otherwise be inconsistent with statutes, rules, or regulations applicable to the fund.

(ii) Any exception to the application of this subdivision shall be granted for a particular project contract by the solicitation date.

(c) An agency may require the use of a project labor agreement on construction projects where the total cost to the fund is less than that for a large-scale construction project, if consistent with paragraph (a) of subdivision two of section two hundred twenty-two of the labor law.

(d) The fund, if appropriate, may require that every contractor and subcontractor engaged in construction on the project agree, for that project, to negotiate or become a party to a project labor agreement as defined in subdivision one of section two hundred twenty-two of the labor law, where the fund decides a project labor agreement is consistent with paragraph (a) of subdivision two of section two hundred twenty-two of the labor law and state competitive bidding laws.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all contracts entered into, renewed, modified or amended on or after such date.