

STATE OF NEW YORK

7677

2023-2024 Regular Sessions

IN ASSEMBLY

June 2, 2023

Introduced by M. of A. ZINERMAN, JOYNER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the New York city charter, the education law, the general municipal law, the labor law, the public authorities law, and the New York city health and hospitals corporation act, in relation to providing for employment opportunities for economically disadvantaged candidates and economically disadvantaged region candidates and apprenticeship utilization on public transactions; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Legislative findings. The legislature finds that both with-
2 in the city of New York and across the United States, over the past
3 several decades, income inequality has expanded and that poverty is
4 frequently concentrated in economically disadvantaged regions. The
5 legislature also finds that economic disparities among individuals and
6 across communities have further expanded due to the economic and health
7 effects of the virus known as COVID-19. The purpose of this legislation
8 is to remediate these economic disparities by authorizing the city of
9 New York, the city school district of the city of New York, the New York
10 city school construction authority, the New York city health and hospi-
11 tals corporation, the New York city industrial development agency, and
12 other city-affiliated not-for-profit corporations to use the economic
13 power of their transactions to implement programs by administrative rule
14 requiring contractors and subcontractors benefitting from such trans-
15 actions to make best efforts to employ qualified economically disadvan-
16 taged candidates and qualified candidates from economically disadvan-
17 taged regions.

18 § 2. The New York city charter is amended by adding a new chapter 79
19 to read as follows:

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

LBD11271-04-3

CHAPTER 79
COMMUNITY HIRING AND WORKFORCE DEVELOPMENT

§ 3501. Definitions. As used in this chapter, the following terms shall have the following meanings:

Absorption hire. The term "absorption hire" means an individual who fills a building service opportunity and who:

(1) was employed to perform building service work within the preceding six months at the same facility to which such individual is assigned; or

(2) fills such building service opportunity as a result of a reassignment by a contractor or subcontractor, as applicable, due to a displacement caused by the closure of another facility, a staffing reduction at another facility, or any other similar event.

Apprentice. The term "apprentice" means an individual who is receiving training and performing labor pursuant to an apprenticeship agreement.

Apprenticeship agreement. The term "apprenticeship agreement" means an agreement, as such term is defined by section eight hundred sixteen of the labor law, that has been registered with, and approved by, the commissioner of labor of the state of New York pursuant to article twenty-three of the labor law.

Building service opportunity. The term "building service opportunity" means an employment opportunity to perform building service work.

Building service opportunity labor hour. The term "building service opportunity labor hour" means a labor hour performed by an individual employed to fill a building service opportunity.

Building service work. The term "building service work" means the classifications of labor that the applicable fiscal officer has identified as consistent with section two hundred thirty of the labor law, regardless of whether such labor constitutes building service work for which workers are entitled to prevailing wage pursuant to article nine of the labor law.

City-affiliated not-for-profit corporation. The term "city-affiliated not-for-profit corporation" means a local development corporation or other not-for-profit corporation, a majority of whose members are appointed by the mayor.

Construction work. The term "construction work" means:

(1) any labor of a type that the applicable fiscal officer, as defined in paragraph e of subdivision five of section two hundred twenty of the labor law, has identified in a published schedule as a classification of work performed by laborers, workers or mechanics, regardless of whether such labor constitutes public work pursuant to such section; and

(2) any additional types of labor identified by the director by rule, provided that such labor shall not include building service work.

Contractor. The term "contractor" means an individual, company, corporation, partnership, or other entity that has entered into a transaction with the city, including but not limited to vendors providing human services, standard services, professional services, construction-related services, and construction, as such terms are defined by rules of the procurement policy board, to the city, except that the term "contractor" does not include:

(1) any governmental entity; or

(2) any labor organization.

Director. The term "director" means the director of the office of community hiring and workforce development or his or her designee.

Economically disadvantaged candidate. The term "economically disadvantaged candidate" means an individual:

1 (1) whose income or household income falls below an applicable quanti-
2 tative threshold determined by the director, provided that such income
3 shall not include any types of public benefits provided by the federal
4 government or a state or local government and identified by the direc-
5 tor; and

6 (2) who is certified as meeting all applicable requirements.
7 Economically disadvantaged region. The term "economically disadvan-
8 tagged region" means an area, represented by its five-digit ZIP code, in
9 which at least fifteen percent of residents have household incomes below
10 the federal poverty threshold.

11 Economically disadvantaged region candidate. The term "economically
12 disadvantaged region candidate" means an individual who is certified as
13 meeting all applicable requirements and who is a:

14 (1) resident of an address within an economically disadvantaged
15 region;

16 (2) resident of a building that is:
17 (i) owned or operated by the New York city housing authority; and
18 (ii) subject to section nine of the United States Housing Act of nine-
19 teen hundred thirty-seven, as amended; or

20 (3) resident of a dwelling unit that is:
21 (i) subject to a regulatory agreement with a federal, state or local
22 government agency requiring that occupancy of such unit be restricted
23 based on the income of the occupants; and

24 (ii) located in a building that was previously operated by the New
25 York city housing authority, was previously subject to section nine of
26 the United States Housing Act of nineteen hundred thirty-seven, as
27 amended, and is subject to section eight of such act.

28 Employment opportunity. The term "employment opportunity" means a
29 vacancy in a position to perform services under a transaction.

30 Exempt transaction. The term "exempt transaction" includes any:

31 (1) contract procured pursuant to section one hundred sixty-two of the
32 state finance law;

33 (2) contract for the performance of services by a city-affiliated
34 not-for-profit corporation;

35 (3) contract the principal purpose of which is the supply of goods,
36 except that the term "exempt transaction" shall not include any trans-
37 action the principal purpose of which is delivery services;

38 (4) contract in an amount below the small purchase threshold set
39 pursuant to the authority and procedure set forth in subdivision a of
40 section three hundred fourteen of this charter;

41 (5) contract for confidential or investigative services or any other
42 type of contract excluded by a rule adopted by the director based on a
43 determination that the application of goals under this program would
44 substantially undermine the primary objective of that type of contract;

45 (6) contract subject to federal or state funding requirements that
46 preclude or substantially conflict with the application of goals under
47 this program;

48 (7) contract for emergency demolition services procured by the depart-
49 ment of housing preservation and development pursuant to the procedure
50 set forth in section three hundred fifteen of this charter; or

51 (8) contract for which contractor selection is made by an elected
52 official other than the mayor or an agency other than a mayoral agency,
53 except as otherwise provided by rule by the director.

54 Labor organization. The term "labor organization" has the meaning
55 provided in section one hundred fifty-two of title twenty-nine of the
56 United States code, or any successor provision.

1 Mayoral agency. The term "mayoral agency" includes:

2 (1) any agency the head of which is appointed by the mayor;

3 (2) any agency headed by a board, commission, or other multi-member
4 body, the majority of the membership of which is appointed by the mayor;
5 and

6 (3) the office of the mayor.

7 Project labor agreement. The term "project labor agreement" means a
8 pre-hire collective bargaining agreement entered into between the city
9 and a bona fide building and construction trade labor organization
10 establishing the labor organization or its affiliates as the collective
11 bargaining representative for all persons who will perform construction
12 work on a transaction, provided such agreement:

13 (1) provides that only contractors and subcontractors who sign a pre-
14 negotiated agreement with the labor organization can perform such work
15 on such transaction; and

16 (2) includes goals for the employment of qualified economically disad-
17 vantaged region candidates to perform such work.

18 Referral source. The term "referral source" means an individual,
19 company, corporation, partnership, agency, union referral system, or
20 other entity selected pursuant to paragraph three of subdivision a of
21 section thirty-five hundred two of this chapter to make referrals of
22 candidates to contractors, prospective contractors, subcontractors, and
23 prospective subcontractors for the purposes of meeting the applicable
24 employment goals set forth in such section; provided that any union
25 referral system shall be deemed an approved referral source for the
26 purposes of paragraph three of subdivision a of section thirty-five
27 hundred two of this chapter.

28 Subcontractor. The term "subcontractor" means an individual, company,
29 corporation, partnership or other entity that has entered into an agree-
30 ment with a contractor or another subcontractor in order to perform
31 services or any other obligation under a transaction, provided that such
32 agreement involves the performance of construction work of any value, or
33 the total dollar value of such agreement exceeds twenty thousand
34 dollars, and further provided that the term "subcontractor" does not
35 include:

36 (1) employees;

37 (2) governmental entities; or

38 (3) labor organizations.

39 Transaction. The term "transaction" means a procurement contract,
40 except that the term "transaction" shall not include any exempt trans-
41 action.

42 Union referral system. The term "union referral system" means a labor
43 organization that has an affiliated registered apprentice program with
44 direct entry access from one or more pre-apprentice programs that are
45 compliant with United States department of labor and New York state
46 department of labor regulations, as well as any labor organization with
47 an affiliated community recruitment program.

48 § 3502. Office of community hiring and workforce development. a.
49 Office established. The mayor shall establish an office of community
50 hiring and workforce development. Such office may be established as a
51 separate office or within any department the head of which is appointed
52 by the mayor. The office of community hiring and workforce development
53 shall be headed by a director who shall be appointed by the mayor or
54 head of such department. The director shall, as the director deems
55 appropriate, adopt rules consistent with the purpose of this chapter
56 relating to employment goals on transactions, including rules:

1 (1) requiring contractors and subcontractors to agree to publicly
2 disclose employment opportunities;

3 (2) establishing a procedure for the certification of individuals as
4 economically disadvantaged candidates, economically disadvantaged region
5 candidates, or both, provided that such certification procedure shall,
6 to the extent the director deems feasible, use data sources and adminis-
7 trative processes established or maintained by the city for other
8 programs or operations in order to minimize administrative burdens on
9 contractors, subcontractors, and individuals;

10 (3) establishing a procedure by which the director shall identify and
11 deem union referral systems as referral sources and may approve other
12 referral sources for the purposes of this section, whereby the director
13 shall:

14 (i) publicly release a referral source solicitation that includes a
15 description of functions of a referral source, the manner in which
16 responses must be submitted, and the criteria by which responding enti-
17 ties will be approved, and authorize one or more entities, as appropri-
18 ate, to function as referral sources, based on the criteria included in
19 the solicitation;

20 (ii) authorize an agency in writing to function as a referral source;
21 or

22 (iii) authorize, in writing, an entity engaged pursuant to an agree-
23 ment with an agency for employment recruitment services or other work-
24 force development services to function as a referral source;

25 (4) establishing a procedure through which the director may provide
26 information regarding referral sources to contractors, subcontractors,
27 prospective contractors, and prospective subcontractors;

28 (5) establishing a procedure by which the director shall monitor and
29 criteria by which the director shall evaluate the performance of each
30 referral source on an annual basis, and where the director determines
31 that a referral source has performed inadequately, terminate or suspend
32 the referral source;

33 (6) requiring contractors to agree to make best efforts to employ
34 qualified economically disadvantaged region candidates in order to meet
35 employment goals relating to building service work based on:

36 (i) the percentage of building service opportunities filled by econom-
37 ically disadvantaged region candidates, provided that in calculating
38 such goals, absorption hires shall not be considered; or

39 (ii) the percentage of building service opportunity labor hours
40 performed by economically disadvantaged region candidates, provided that
41 in calculating such goals, building service opportunity labor hours
42 performed by absorption hires shall not be considered;

43 (7) requiring contractors and subcontractors to agree to make best
44 efforts to employ qualified economically disadvantaged region candidates
45 to perform no less than a percentage of the cumulative hours of
46 construction work on transactions involving construction work, and addi-
47 tionally requiring, to the extent feasible consistent with the maximum
48 ratios of apprentices to journey-level workers established by the New
49 York state department of labor, that such contractors and subcontractors
50 agree to make best efforts to employ apprentices who are qualified
51 economically disadvantaged region candidates to perform no less than a
52 percentage of such cumulative hours of construction work, provided that
53 construction work performed by apprentices who are qualified econom-
54 ically disadvantaged region candidates shall be credited towards the
55 achievement of both employment goals set forth in this paragraph. Where
56 a transaction is not subject to a project labor agreement, such goals

1 shall be established pursuant to paragraph twelve of this subdivision
2 and where a transaction is subject to a project labor agreement, such
3 goals shall be established pursuant to subdivision f of this section;

4 (8) requiring contractors to agree to make best efforts to employ
5 qualified economically disadvantaged candidates in order to meet employ-
6 ment goals relating to work on transactions that neither involves
7 construction work nor building service work, and establishing such goals
8 based on:

9 (i) the percentage of the cumulative hours of labor performed by such
10 candidates;

11 (ii) the percentage of employment opportunities filled by such candi-
12 dates; or

13 (iii) the total value of the transaction;

14 (9) requiring subcontractors to agree to make best efforts to extend
15 offers of employment to qualified candidates in order to meet any
16 employment goals described in paragraph six or eight of this subdivision
17 and established pursuant to rules adopted by the director;

18 (10) establishing a schedule of civil penalties, based on factors
19 including but not limited to a contractor's industry or any relevant
20 occupations employed by a contractor or subcontractor, that the director
21 or an applicable agency may impose on a contractor due to the contrac-
22 tor's or subcontractor's non-compliance with an obligation created
23 pursuant to this section and a procedure for the imposition of such
24 penalties, which will not exclude other remedies established in this
25 charter or any other law, provided that any civil penalties imposed
26 pursuant to this paragraph shall not exceed two thousand five hundred
27 dollars for each non-compliance with such an obligation or each failure
28 to correct such non-compliance;

29 (11) designating paper or electronic formats for the submission of
30 documents related to the selection and operation of referral sources and
31 contractors and subcontractors subject to goals pursuant to paragraphs
32 six through nine of this subdivision, as applicable, including but not
33 limited to, documents containing information required pursuant to para-
34 graphs one and three of this subdivision, subdivision c and subpara-
35 graphs (v) and (vi) of paragraph one of subdivision d of this section;
36 solicitation documents and responses, including bids and proposals; and
37 data related to labor performed pursuant to transactions, including
38 payroll reports, as applicable; and

39 (12) (i) authorizing the director, in consultation with the city chief
40 procurement officer, as such term is defined in rules promulgated by the
41 procurement policy board, to establish factors by which goals described
42 in paragraphs six, seven, eight, and nine of this subdivision, other
43 than for goals established pursuant to such paragraph seven in
44 connection with transactions subject to a project labor agreement, will
45 be established for individual transactions, including:

46 (A) the scope of the transaction;

47 (B) the availability of qualified economically disadvantaged candi-
48 dates and economically disadvantaged region candidates and apprentices;

49 (C) the nature of any employment opportunities that the director
50 expects will result from the transaction; and

51 (D) any other similar factors.

52 (ii) prior to setting a goal pursuant to this subdivision for an indi-
53 vidual transaction, the agency entering into the transaction shall
54 consider the goals set for previous, similar transactions and whether
55 such goals were appropriate for such transactions.

1 b. Lists of economically disadvantaged regions. No later than ninety
2 days after the effective date of this section, and at least once during
3 each twelve-month period thereafter, the director shall publish a report
4 including an updated list of all economically disadvantaged regions
5 within a radius of one hundred miles of the city or all such econom-
6 ically disadvantaged regions within the metropolitan area. Nothing shall
7 preclude an individual whose residence is within an economically disad-
8 vantaged region that is not included in such list from qualifying as an
9 economically disadvantaged region candidate for the purposes of goals
10 set forth under this section.

11 c. Reporting. No later than one hundred eighty days after the effec-
12 tive date of this section and each quarter thereafter, the office of
13 community hiring and workforce development shall publish a report on a
14 website maintained or controlled by the city, pursuant to rules adopted
15 by the director, that shall include, for each transaction subject to a
16 goal established pursuant to paragraph six, seven, or eight of subdivi-
17 sion a of this section, information demonstrating the corresponding
18 contractor's progress towards meeting such goal and, if applicable, any
19 subcontractor's progress towards meeting any goal established pursuant
20 to paragraph seven or nine of subdivision a of this section, and aggre-
21 gate information regarding the overall progress towards meeting such
22 goals as well as the demographics and compensation of economically
23 disadvantaged region candidates, economically disadvantaged candidates,
24 and apprentices who are economically disadvantaged region candidates, as
25 applicable, relative to all individuals employed by such contractor and,
26 if applicable, subcontractors on such transaction. Such report shall
27 also include aggregate information regarding the total number of econom-
28 ically disadvantaged candidates and economically disadvantaged region
29 candidates hired, including the number of such candidates hired by
30 contract type and the resulting financial benefits of the program. In
31 compiling this report, the director shall, to the extent he or she deems
32 feasible, use data sources established or maintained by the city for
33 other programs or operations in order to minimize administrative burdens
34 on contractors and subcontractors, provided that where the director
35 determines that such data sources cannot be used to complete such
36 report, the director may adopt rules requiring contractors and subcon-
37 tractors to provide such additional data necessary to complete this
38 report, and to certify the accuracy of such additional information.
39 Nothing in this subdivision shall be interpreted to authorize the direc-
40 tor to promulgate rules requiring labor organizations to provide infor-
41 mation on a regular basis to complete such reports.

42 d. Best efforts. (1) In determining whether a contractor or subcon-
43 tractor has exercised best efforts to meet the employment goals estab-
44 lished pursuant to subdivision a of this section, the director shall
45 consider the degree to which the contractor or subcontractor has endeav-
46 ored:

47 (i) to review economically disadvantaged region candidates' and
48 economically disadvantaged candidates' qualifications, as applicable, in
49 good faith;

50 (ii) to advertise employment opportunities, as applicable, in a manner
51 reasonably intended to attract qualified economically disadvantaged
52 candidates or economically disadvantaged region candidates, except that
53 contractors and subcontractors performing construction work pursuant to
54 a project labor agreement shall not be required to advertise employment
55 opportunities for construction work;

1 (iii) to coordinate with referral sources or apprenticeship programs,
2 as applicable, in order to employ such candidates identified by such
3 referral sources or apprenticeship programs, provided that for contrac-
4 tors and subcontractors performing construction work pursuant to a
5 project labor agreement, the director shall only consider the degree to
6 which the contractor or subcontractor has endeavored to meet such goals
7 by complying with the referral provisions of such project labor agree-
8 ment;

9 (iv) to review and organize the work under the transaction in order to
10 eliminate obstacles to meeting such employment goals;

11 (v) to monitor and to document the contractor's or subcontractor's
12 efforts to meet the employment goals;

13 (vi) to contact the office of community hiring and workforce develop-
14 ment at routine intervals, or as otherwise required by rule, to inform
15 the director of the contractor's or subcontractor's efforts to meet the
16 employment goals; and

17 (vii) to take all other commercially reasonable actions to meet the
18 employment goals.

19 (2) In order to exercise best efforts, neither contractors nor subcon-
20 tractors are required:

21 (i) to undertake an undue financial burden;

22 (ii) to terminate or reduce the work levels of any of a contractor's
23 or subcontractor's existing employees;

24 (iii) to extend an offer of employment to an individual whose labor
25 would not be commercially useful;

26 (iv) to forgo filling building service opportunities with absorption
27 hires; or

28 (v) to forgo requesting, employing, or hiring any individuals or
29 assigning individuals to perform construction work in accordance with
30 the terms of:

31 (A) an agreement with a union referral system to which a contractor or
32 subcontractor is a signatory; or

33 (B) an agreement with a referral source for the sourcing of labor to
34 which a contractor or subcontractor is a signatory, provided that such
35 contractor or subcontractor demonstrates to the satisfaction of the
36 director that such agreement was entered into in furtherance of a bona
37 fide interest in sourcing labor.

38 e. Discretionary application of goals. Notwithstanding any other
39 provision of this section, employment goals authorized under paragraphs
40 six, seven, eight and nine of subdivision a of this section may, but are
41 not required to be, established for transactions that are emergency
42 procurement contracts procured pursuant to the procedure set forth in
43 section three hundred fifteen of this charter.

44 f. Adjustment of construction goals for project labor agreements.
45 Where the city has entered or enters into a project labor agreement and
46 such project labor agreement includes numerical goals regarding the
47 sourcing of economically disadvantaged region candidates and appren-
48 tices, such numerical goals set forth in such project labor agreement
49 shall apply to transactions subject to such project labor agreement.

50 g. Wage payment assurances. The director may promulgate rules setting
51 forth standards and a procedure by which contractors and subcontractors
52 that the director has determined have a record of failing to pay wages,
53 including but not limited to prevailing wages and benefits required
54 pursuant to article eight of the labor law, to individuals performing
55 construction work under a transaction shall be required to provide addi-
56 tional assurances acceptable to the director in order to receive credit

1 towards the achievement of employment goals set forth in paragraph seven
2 of subdivision a of this section.

3 § 3. Subparagraphs (x) and (xi) of paragraph a of subdivision 36 of
4 section 2590-h of the education law, as amended by chapter 98 of the
5 laws of 2019, are amended and a new subparagraph (xii) is added to read
6 as follows:

7 (x) a process for emergency procurement in the case of an unforeseen
8 danger to life, safety, property or a necessary service provided that
9 such procurement shall be made with such competition as is practicable
10 under the circumstances and that a written determination of the basis
11 for the emergency procurement shall be required and filed with the comp-
12 troller of the city of New York when such emergency contract is filed
13 with such comptroller; ~~and~~

14 (xi) procedures for the fair and equitable resolution of contract
15 disputes~~[-]~~; and

16 (xii) employment goals established in accordance with the program
17 established pursuant to section thirty-five hundred two of the New York
18 city charter, including but not limited to employment goals established
19 pursuant to paragraph seven of subdivision a and the corresponding best
20 efforts provisions set forth in subdivision d of such section; provided,
21 however, that where a provision of such section requires action by the
22 director of the office of community hiring and workforce development,
23 such action shall not be taken by the director of the office of communi-
24 ty hiring and workforce development but shall be taken by the chancellor
25 or his or her designee.

26 § 4. Subdivision (c) of section 917 of the general municipal law, as
27 separately amended by chapter 1082 of the laws of 1974 and chapter 239
28 of the laws of 2001, is amended to read as follows:

29 (c) For the benefit of the city and the inhabitants thereof an indus-
30 trial development agency, to be known as the New York City Industrial
31 Development Agency, is hereby established for the accomplishment of any
32 or all of the purposes specified in title one of article eighteen-A of
33 this chapter, except that it shall not have the power to construct or
34 rehabilitate any residential facility or housing of any nature and kind
35 whatsoever, nor shall it use any of its funds to further the
36 construction or rehabilitation of any residential facility or housing of
37 any nature and kind whatsoever. It shall constitute a body corporate and
38 politic, and be perpetual in duration. It shall only have the powers and
39 duties conferred by title one of article eighteen-A of this chapter upon
40 industrial development agencies as of January 1, 1973 except that it
41 shall have the power to finance a rail freight facility and the power to
42 establish employment goals in accordance with the program established
43 pursuant to section thirty-five hundred two of the New York city char-
44 ter, including but not limited to employment goals established pursuant
45 to paragraph seven of subdivision a and the corresponding best efforts
46 provisions set forth in subdivision d of such section; provided, howev-
47 er, that where a provision of such section requires action by the direc-
48 tor of the office of community hiring and workforce development, such
49 action shall not be taken by the director of the office of community
50 hiring and workforce development but shall be taken by the chief execu-
51 tive officer of the agency or his or her designee, and it shall not have
52 the power of condemnation. In the exercise of the powers conferred upon
53 such agency with respect to the acquisition of real property by article
54 eighteen-A of this chapter such agency shall be limited to the geograph-
55 ical jurisdictional limits of the city.

§ 5. Section 816-b of the labor law, as added by chapter 571 of the laws of 2001, is amended to read as follows:

§ 816-b. Apprenticeship participation on ~~[construction]~~ certain governmental contracts. 1. For purposes of this section:

(a) "governmental entity" shall mean the state, any state agency, as that term is defined in section two-a of the state finance law, municipal corporation, commission appointed pursuant to law, school district, district corporation, board of education, board of cooperative educational services, soil conservation district, and public benefit corporation; ~~and~~

(b) "construction contract" shall mean any contract to which a governmental entity may be a direct or indirect party which involves the design, construction, reconstruction, improvement, rehabilitation, maintenance, repair, furnishing, equipping of or otherwise providing for any building, facility or physical structure of any kind; ~~and~~

(c) "city governmental entity" shall mean a governmental entity that is (i) a city with a population of one million or more inhabitants; or (ii) a city school district or public benefit corporation operating primarily within a city with a population of one million or more inhabitants.

2. Notwithstanding any other provision of this article, of section one hundred three of the general municipal law, of section one hundred thirty-five of the state finance law, of section one hundred fifty-one of the public housing law, or of any other general, special or local law or administrative code, in entering into any construction contract, a governmental entity ~~[which]~~, including any city governmental entity, that is to be a direct or indirect party to such contract may require that any contractors and subcontractors have, prior to entering into such contract, apprenticeship agreements appropriate for the type and scope of work to be performed, that have been registered with, and approved by, the commissioner pursuant to the requirements found in this article. A city governmental entity that is a direct or indirect party to a contract may establish in its specifications a requirement that, in performing the work, the contractor and its subcontractors utilize a minimum ratio of apprentices to journey-level workers, as established by the governmental entity but subject to any maximum ratio established by the department, for any classification appropriate for the type and scope of work to be performed, provided that no such minimum ratio shall be established for labor performed pursuant to a construction contract. Whenever utilizing ~~[this requirement]~~ these requirements, the governmental entity may, in addition to whatever considerations are required by law, consider the degree to which career opportunities in apprenticeship training programs approved by the commissioner may be provided.

§ 6. Notwithstanding any provision of law to the contrary, any city-affiliated not-for-profit corporation, as such term is defined in section 3501 of the New York city charter, is authorized to establish employment goals in accordance with the program established pursuant to section 3502 of such charter, including but not limited to employment goals established pursuant to paragraph 7 of subdivision a of such section and the corresponding best efforts provisions set forth in subdivision d of such section; provided, however, that where a provision of such section requires action by the director of the office of community hiring and workforce development of the city of New York, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the chief executive officer of such corporation, or a duly appointed designee.

1 § 7. Section 1728 of the public authorities law is amended by adding a
2 new subdivision 15-a to read as follows:

3 15-a. To establish employment goals in accordance with the program
4 established pursuant to section thirty-five hundred two of the New York
5 city charter, including but not limited to employment goals established
6 pursuant to paragraph seven of subdivision a and the corresponding best
7 efforts provisions set forth in subdivision d of such section; provided,
8 however, that where a provision of such section requires action by the
9 director of the office of community hiring and workforce development,
10 such action shall not be taken by the director of the office of communi-
11 ty hiring and workforce development but shall be taken by the president
12 of the authority or his or her designee;

13 § 8. Section 5 of section 1 of chapter 1016 of the laws of 1969,
14 constituting the New York city health and hospitals corporation act, is
15 amended by adding a new subdivision 20-a to read as follows:

16 20-a. To establish employment goals in accordance with the program
17 established pursuant to section 3502 of the New York city charter,
18 including but not limited to employment goals established pursuant to
19 paragraph 7 of subdivision a and the corresponding best efforts
20 provisions set forth in subdivision d of such section; provided, howev-
21 er, that where a provision of such section requires action by the direc-
22 tor of the office of community hiring and workforce development, such
23 action shall not be taken by the director of the office of community
24 hiring and workforce development but shall be taken by a duly appointed
25 designee of the corporation; and

26 § 9. No provision of this act shall be construed to invalidate any
27 provision of a project labor agreement, as such term is defined in
28 section 3501 of the New York city charter, as added by section two of
29 this act, or otherwise affect the contractual rights of any party to
30 such an agreement.

31 § 10. Severability. If any clause, sentence, paragraph, or section of
32 this act is declared invalid or unconstitutional by any court of compe-
33 tent jurisdiction, after exhaustion of all further judicial review, such
34 portion shall be deemed severable, and the court's judgment shall not
35 affect, impair, or invalidate the remainder of this act, but shall be
36 confined in its operation to the clause, sentence, paragraph, or section
37 of this act directly involved in the controversy in which the judgment
38 was rendered.

39 § 11. This act shall take effect on the one hundred eightieth day
40 after it shall have become a law; provided that:

41 (a) sections one, two, four, five, six, seven, eight, and nine of this
42 act shall expire and be deemed repealed five years after the effective
43 date of this act, provided that such expiration and repeal shall not
44 affect any transaction, as such term is defined by section 3501 of the
45 New York city charter, as added by section two of this act, entered into
46 or for which a solicitation was released prior to such expiration and
47 repeal, or to any renewals, extensions, modifications, or amendments to
48 such transaction; and

49 (b) the amendments to paragraph a of subdivision 36 of section 2590-h
50 of the education law made by section three of this act shall not affect
51 the expiration of such subdivision and section pursuant to section 34 of
52 chapter 91 of the laws of 2002 and subdivision 12 of section 17 of chap-
53 ter 345 of the laws of 2009, as amended, and shall expire and be deemed
54 repealed therewith, or five years after this act takes effect, whichever
55 occurs earlier, provided that such expiration and repeal shall not
56 affect any transaction entered into or for which a solicitation was

1 released prior to such expiration and repeal, or to any renewals, exten-
2 sions, modifications, or amendments to such transaction.
3 Effective immediately, the addition, amendment and/or repeal of any
4 rule or regulation necessary for the implementation of this act on its
5 effective date are authorized to be made and completed on or before such
6 effective date by the director of the office of community hiring and
7 workforce development of the city of New York, the chancellor and the
8 city board of the city school district of the city of New York, the
9 president of the New York city school construction authority, the duly
10 appointed designee of the New York city health and hospitals corpo-
11 ration, the chief executive officer of the New York city industrial
12 development agency, and the chief executive officer of any city-affili-
13 ated not-for-profit corporation, as such term is defined by section 3501
14 of the New York city charter, as added by section two of this act.