

STATE OF NEW YORK

6979

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to requiring electronic reporting

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

1 Section 1. Paragraph g of subdivision 4 of section 163 of the state
2 finance law, as added by chapter 10 of the laws of 2006, is amended to
3 read as follows:

4 g. (i) All state agencies shall require all contractors, including
5 sub-contractors, that provide services for state purposes pursuant to a
6 contract, to submit an annual employment report for each contract for
7 services that includes for each employment category within the contract
8 the names of the employees and the number of employees employed to
9 provide services under the contract, the number of hours they work and
10 their total compensation under the contract. Employment reports shall be
11 submitted electronically in a manner that allows such data to be search-
12 able and transferable to a spreadsheet or database without further
13 manipulation. The reports shall be submitted on a form prescribed by
14 the office of audit and control, to the agency that awarded the
15 contract, the department of civil service and the department of audit
16 and control and shall be available for public inspection and copying
17 pursuant to section eighty-seven of the public officers law provided
18 that in disclosing such reports pursuant to the public officers law, the
19 agency making the disclosure shall redact the [~~name or~~] social security
20 number of any individual employee that is included in such document. The
21 department of audit and control shall maintain a searchable database of
22 all electronic forms submitted under this paragraph and such searchable
23 database shall be posted on a publicly available website and shall
24 include, but need not be limited to, the authorizing agency, the name of
25 the contractor or sub-contractor, the date such contract was entered

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

LBD11374-01-3

1 into, the names of the employees and the number of employees employed to
2 provide services under the contract, the number of hours they work and
3 their total compensation under the contract and the total amount of the
4 contract. It shall be the responsibility of the agency awarding the
5 contract to ensure that all contractors and sub-contractors submit the
6 annual report required by this paragraph within one year of the
7 execution date of the contract and annually thereafter for contracts
8 lasting more than one year.

9 (ii) Contractors and sub-contractors who fail to submit the annual
10 employment report required by subparagraph (i) of this paragraph shall
11 be notified immediately by the agency awarding the contract that such
12 report is due. If such report is not furnished within sixty days after
13 notification by the agency that such report is due, such contractor or
14 sub-contractor may be subject to a civil penalty of up to one thousand
15 dollars per month until such report is filed. If the report required by
16 subparagraph (i) of this paragraph is not submitted within one hundred
17 eighty days after notification by the agency that such report is due,
18 the agency awarding the contract may suspend or terminate such contract
19 for non-compliance. Contractors or sub-contractors who have had
20 contracts terminated for failure to file annual employment reports
21 pursuant to this subparagraph shall be ineligible from bidding on any
22 other state contracts for a minimum of three years.

23 § 2. This act shall take effect on the one hundred eightieth day
24 after it shall have become a law; provided, however, that the amendments
25 to section 163 of the state finance law made by section one of this act
26 shall not affect the repeal of such section and shall be deemed repealed
27 therewith.