

STATE OF NEW YORK

752

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to project labor agreement feasibility studies and apprenticeship agreements

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

1 Section 1. Subdivision 2 of section 222 of the labor law is amended by
2 adding a new paragraph (f) to read as follows:

3 (f) (i) Where any contract as defined by this section seeks to engage
4 a project labor agreement as defined in subdivision one of this section,
5 a feasibility study must be conducted first to determine whether such
6 project labor agreement will further its interest in obtaining the best
7 work at the lowest possible price, preventing favoritism, fraud and
8 corruption. The feasibility study shall take into account the impact the
9 project labor agreement will have on competition and the impact the
10 project labor agreement will have on opportunities for minority, women
11 and service-disabled veteran owned business enterprises.

12 (ii) Such feasibility study shall, in its entirety and unredacted, be
13 provided to the public for review and comment prior to inclusion in any
14 bidding and contract documents. Where, taking those factors into
15 account, the feasibility study concludes there is no net advantage to
16 the public or that there will be a negative impact on opportunities for
17 minority, women or service-disabled veteran owned business enterprises,
18 such project labor agreement shall not be authorized.

19 § 2. Subdivision 2 of section 816-b of the labor law, as added by
20 chapter 571 of the laws of 2001, is amended to read as follows:

21 2. Notwithstanding any other provision of this article, of section one
22 hundred three of the general municipal law, of section one hundred thir-
23 ty-five of the state finance law, of section one hundred fifty-one of
24 the public housing law, or of any other general, special or local law or
25 administrative code, in entering into any construction contract, a

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

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1 governmental entity which is to be a direct or indirect party to such
2 contract may require that any contractors and subcontractors have, prior
3 to entering into such contract, apprenticeship agreements appropriate
4 for the type and scope of work to be performed, that have been regis-
5 tered with, and approved by, the commissioner pursuant to the require-
6 ments found in this article. Whenever utilizing this requirement, the
7 governmental entity may, in addition to whatever considerations are
8 required by law, consider the degree to which career opportunities in
9 apprenticeship training programs approved by the commissioner may be
10 provided. Prior to requiring any contractors and subcontractors to have,
11 prior to entering into any construction contract, apprenticeship agree-
12 ments as defined in section eight hundred sixteen of this article, the
13 government entity must conduct an analysis of the impact such a require-
14 ment would have on competition and on opportunities for minority, women
15 and service-disabled veteran owned business enterprises. Such unredacted
16 complete analysis shall be provided to the public for review and comment
17 prior to implementation.

18 § 3. This act shall take effect immediately.