

STATE OF NEW YORK

8608

IN SENATE

February 21, 2024

Introduced by Sen. RAMOS -- 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 requiring contractors and subcontractors employed by the state to submit their payrolls or transcripts to the commissioner

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 220-j to
2 read as follows:

3 § 220-j. Payroll reporting requirements. 1. As used in this section:

4 a. "Contractor" means any entity entering into a contract to perform
5 construction, demolition, reconstruction, excavation, rehabilitation,
6 repair, installation, renovation, alteration, or custom fabrication,
7 which is subject to the provisions of this article.

8 b. "Subcontractor" means any entity subcontracting with a contractor
9 to perform construction, demolition, reconstruction, excavation, reha-
10 bilitation, repair, installation, renovation, alteration, or custom
11 fabrication, which is subject to the provisions of this article.

12 c. "Covered project" means any project subject to the provisions of
13 this article, including but not limited to, public work projects,
14 privately owned prevailing wage projects and those subject to the
15 provisions of sections two hundred twenty-four-a, two hundred twenty-
16 four-d and sections two hundred twenty-four-f of this article.

17 d. "Monthly" means at least once every thirty days while work is being
18 performed on a covered project and within thirty days after the final
19 day of work was performed on the covered project.

20 2. Each contractor and subcontractor working on a covered project
21 shall furnish records consistent with subparagraph (iii) of paragraph a
22 of subdivision three-a of section two hundred twenty of this article
23 directly to the commissioner in the following manner:

24 a. submit records monthly unless such covered project contract
25 requires more frequent reporting requirements;

26 b. in an electronic format, in a manner prescribed by the commission-
27 er, on the department's website;

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

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1 c. provide documentation of each fund, plan or program where any
2 supplement has been paid or provided for; and

3 d. provide a copy of the payment bond required by section one hundred
4 thirty-seven of the state finance law, including all information open to
5 public inspection.

6 3. a. A contractor or subcontractor who fails to furnish records
7 pursuant to this section relating to its employees, shall be subject to
8 a penalty by the commissioner of one hundred dollars for each day such
9 contractor or subcontractor is in violation of this section.

10 b. The commissioner shall not level a penalty pursuant to this subdi-
11 vision until such contractor or subcontractor fails to furnish such
12 electronic records fourteen days after the requirements set forth in
13 paragraph a of subdivision two of this section.

14 c. Such penalties pursuant to this subdivision shall only accrue to
15 the actual contractor or subcontractor who failed to furnish such
16 required records.

17 d. All penalties collected pursuant to this section shall be used by
18 the department for prevailing wage enforcement.

19 e. The department shall undertake activities it deems necessary to
20 monitor and enforce compliance with this section.

21 4. No later than December thirty-first, two thousand twenty-four, the
22 department shall develop and implement an online database of electronic
23 certified payroll records submitted pursuant to this section. Such data-
24 base shall be publicly accessible, but not include personally identifi-
25 able information. Such database shall be searchable, including each
26 available payroll record subset.

27 § 2. This act shall take effect immediately.