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:

Section 1. The labor law is amended by adding a new section 220-j to read as follows:

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

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

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

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

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

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

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

b. in an electronic format, in a manner prescribed by the commissioner, 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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c. provide documentation of each fund, plan or program where any supplement has been paid or provided for; and

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.