STATE OF NEW YORK

6505

2023-2024 Regular Sessions

IN ASSEMBLY

April 12, 2023

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to requiring electronic reporting by contractors and sub-contractors for state contracts

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

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

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

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

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

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.