

# STATE OF NEW YORK

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6979--A

2023-2024 Regular Sessions

## IN SENATE

May 16, 2023

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Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 number of employees employed to provide services under the contract,  
9 the number of hours they work and their total compensation under the  
10 contract. Employment reports shall be submitted electronically in a  
11 manner that allows such data to be searchable and transferable to a  
12 spreadsheet or database without further manipulation. The reports shall  
13 be submitted on a form prescribed by the office of audit and control, to  
14 the agency that awarded the contract, the department of civil service  
15 and the department of audit and control and shall be available for  
16 public inspection and copying pursuant to section eighty-seven of the  
17 public officers law provided that in disclosing such reports pursuant to  
18 the public officers law, the agency making the disclosure shall redact  
19 the name or social security number of any individual employee that is  
20 included in such document. The department of audit and control shall  
21 maintain a searchable database of all electronic forms submitted under  
22 this paragraph and such searchable database shall be posted on a public-

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

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1 ly available website and shall include, but need not be limited to, the  
2 authorizing agency, the name of the contractor or sub-contractor, the  
3 date such contract was entered into, the job title, the number of  
4 employees employed to provide services under the contract, the number of  
5 hours they work and their total compensation under the contract and the  
6 total amount of the contract. It shall be the responsibility of the  
7 agency awarding the contract to ensure that all contractors and sub-con-  
8 tractors submit the annual report required by this paragraph within one  
9 year of the execution date of the contract and annually thereafter for  
10 contracts lasting more than one year.

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

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