

STATE OF NEW YORK

10597

IN ASSEMBLY

March 13, 2026

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, the general municipal law and the public officers law, in relation to the omnibus prevailing wage enforcement act; and to amend chapter 511 of the laws of 1995, relating to establishing a public work enforcement fund and making an appropriation therefor, in relation to moneys accumulated in the public work enforcement fund

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

1 Section 1. This act shall be known and may be cited as the "omnibus
2 prevailing wage enforcement act".

3 § 2. The labor law is amended by adding a new section 223-a to read as
4 follows:

5 § 223-a. Prevailing wage fraud inspector general. 1. Definitions.
6 For the purposes of this section, the following definitions shall apply:

7 (a) "Inspector general" means the prevailing wage fraud inspector
8 general created by this section.

9 (b) "Assistant inspector general" means a prevailing wage fraud
10 assistant inspector general created by this section.

11 2. Appointment, compensation and removal. Notwithstanding any other
12 provision of law, the governor shall appoint the inspector general. The
13 board shall employ and the governor shall fix the compensation of the
14 inspector general. The inspector general shall, and may do so without
15 civil service examination, appoint and the board shall employ, such
16 assistant inspector general and other persons as they deem necessary,
17 determine their duties and fix their compensation. Such assistant
18 inspector general shall assist the inspector general in carrying out the
19 inspector general's duties and responsibilities as set forth in this
20 section and shall have such powers as granted the inspector general
21 under this section. Employees appointed pursuant to this section with-
22 out civil service examination shall be placed in the noncompetitive
23 class of the competitive service pursuant to subdivision two-a of

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

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1 section forty-two of the civil service law and shall serve at the pleas-
2 ure of the governor.

3 3. Powers, duties and responsibilities. The inspector general shall
4 investigate violations of the laws and regulations pertaining to the
5 operation of prevailing wage provisions. The inspector general shall
6 have the following powers, duties and functions:

7 (a) to conduct and supervise investigations, within or without this
8 state, of possible fraud and other violations of laws, rules and regu-
9 lations pertaining to prevailing wage provisions;

10 (b) to subpoena witnesses, administer oaths or affirmations, take
11 testimony and compel the production of such books, papers, records and
12 documents as the inspector general may deem to be relevant to an inves-
13 tigation undertaken pursuant to this section;

14 (c) to report to the attorney general or other appropriate law
15 enforcement agency, violations found through investigations undertaken
16 pursuant to this section and to provide such materials and assistance as
17 may be necessary or appropriate for the successful investigation and
18 prosecution of violations of this chapter;

19 (d) to submit a written report, on an annual basis, to the governor
20 and to the chair of the board, listing all activities undertaken to the
21 extent such activities can be disclosed pursuant to subdivision five of
22 this section; and

23 (e) to recommend legislative and regulatory changes to the governor
24 and to the chair of the board.

25 4. Cooperation of agency officials and employees. (a) In addition to
26 the authority otherwise provided by this section, the inspector general,
27 in carrying out the provisions of this section, is authorized:

28 (i) to have full and unrestricted access to all records, reports,
29 audits, reviews, documents, papers, recommendations or other material
30 maintained by the board or any other state agency relating to prevailing
31 wage provisions, with respect to which the inspector general has respon-
32 sibilities under this section; and

33 (ii) to request such information, assistance and cooperation from any
34 federal, state or local government, department, board, bureau, commis-
35 sion, or other agency or unit thereof as may be necessary for carrying
36 out the duties and responsibilities enjoined upon the inspector general
37 by this section. State and local agencies or units thereof are hereby
38 authorized and directed to provide such information, assistance and
39 cooperation.

40 (b) No person shall prevent, seek to prevent, interfere with, obstruct
41 or otherwise hinder any investigation being conducted pursuant to this
42 section.

43 5. Disclosure of information. The inspector general shall not publicly
44 disclose information which is:

45 (a) a part of an ongoing investigation or prosecution; or

46 (b) specifically prohibited from disclosure by any other provision of
47 law.

48 § 3. Sections 1 and 2 of chapter 511 of the laws of 1995, relating to
49 establishing a public work enforcement fund and making an appropriation
50 therefor, as amended by chapter 407 of the laws of 2005, are amended to
51 read as follows:

52 Section 1. The state comptroller shall establish a public work
53 enforcement fund. Each state agency or public benefit corporation enter-
54 ing into a contract for any construction, reconstruction, renovation,
55 repair, maintenance or other improvement, as defined in subdivision 2 of
56 section 220 of the labor law, shall make a transfer of 0.10 of one

1 percent of the total cost of the contract to such fund. All transfers
2 shall be made available to the labor department for labor law enforce-
3 ment. All moneys transferred to and accumulated in the public work
4 enforcement fund shall be dedicated to enforcement of labor law articles
5 8 and 9 and all moneys appropriated from such fund shall be used for
6 such purpose. Provided further that such dedicated funds shall be used
7 for training, labor and related costs for investigators, hearing offi-
8 cers and administrative staff to ensure that staffing levels for such
9 personnel are maintained at [~~an appropriate level~~] a level equal to or
10 greater than the staffing level for such personnel for fiscal year
11 2019-2020.

12 § 2. The sum of [~~two million four hundred thousand dollars~~
13 ~~(\$2,400,000), or so much thereof as may be~~] moneys so accumulated[7] is
14 hereby appropriated to the department of labor from any moneys credited
15 to the public work enforcement fund created pursuant to section one of
16 this act for the purposes of carrying out the provisions of this act.
17 Such sum shall be payable on the audit and warrant of the state comp-
18 troller on vouchers certified or approved by the commissioner of labor,
19 or [~~his~~] their duly designated representative in the manner provided by
20 law. No expenditure shall be made from this appropriation until a
21 certificate of approval of availability shall have been issued by the
22 director of the budget and filed with the state comptroller and a copy
23 filed with the chair of the senate finance committee and the chair of
24 the assembly ways and means committee. Such certificate may be amended
25 from time to time by the director of the budget and a copy of each such
26 amendment shall be filed with the state comptroller, the chair of the
27 senate finance committee and the chair of the assembly ways and means
28 committee.

29 § 4. Section 220 of the labor law is amended by adding a new subdivi-
30 sion 10 to read as follows:

31 10. In any instance where the variation between the low bid on any
32 public work contract or subcontract with the state, any municipal corpo-
33 ration or public body and the next lowest bid is ten percent or more, or
34 is ten percent lower than the contracting entity's estimate of the
35 project cost, the low bidder shall provide proof to the satisfaction of
36 the contracting entity that the prevailing wage shall be paid, or such
37 bid shall be rejected.

38 § 5. Section 231 of the labor law is amended by adding a new subdivi-
39 sion 8 to read as follows:

40 8. In any instance where the variation between the low bid on any
41 public work contract or subcontract with the state, any municipal corpo-
42 ration or public body and the next lowest bid is ten percent or more, or
43 is ten percent lower than the contracting entity's estimate of the
44 project cost, the low bidder shall provide proof to the satisfaction of
45 the contracting entity that the prevailing wage shall be paid, or such
46 bid shall be rejected.

47 § 6. Section 220 of the labor law is amended by adding a new subdivi-
48 sion 6-a to read as follows:

49 6-a. The fiscal officer shall require each engineer-in-charge or other
50 agent who has direct supervision of the execution of the contract
51 representing the contracting agency other than the contractor or their
52 employees on all contracts requiring prevailing wage rates to record a
53 daily headcount of all workers on a project site, separately enumerated
54 regarding each classification of worker including hours worked at regu-
55 lar, overtime or holiday pay as classified in the prevailing wage rate
56 schedule. Such records shall be submitted to the fiscal officer and

1 shall be maintained by the fiscal officer for three years after the
2 final acceptance of the project. Knowingly providing the fiscal officer
3 with false records shall be a misdemeanor.

4 § 7. Subdivision 1 of section 103 of the general municipal law, as
5 amended by chapter 668 of the laws of 2023, is amended to read as
6 follows:

7 1. Except as otherwise expressly provided by an act of the legislature
8 or by a local law adopted prior to September first, nineteen hundred
9 fifty-three, all contracts for public work involving an expenditure of
10 more than thirty-five thousand dollars which are subject to the
11 provisions of article eight of the labor law, and all purchase contracts
12 involving an expenditure of more than twenty thousand dollars, shall be
13 awarded by the appropriate officer, board or agency of a political
14 subdivision or of any district therein including but not limited to a
15 soil conservation district to the lowest responsible bidder furnishing
16 the required security after advertisement for sealed bids in the manner
17 provided by this section, provided, however, that purchase contracts
18 (including contracts for service work, but excluding any purchase
19 contracts necessary for the completion of a public works contract pursu-
20 ant to article eight of the labor law) may be awarded on the basis of
21 best value, as defined in section one hundred sixty-three of the state
22 finance law, to a responsive and responsible bidder or offerer in the
23 manner provided by this section except that in a political subdivision
24 other than a city with a population of one million inhabitants or more
25 or any district, board or agency with jurisdiction exclusively therein
26 the use of best value for awarding a purchase contract or purchase
27 contracts must be authorized by local law or, in the case of a district
28 corporation, school district or board of cooperative educational
29 services, by rule, regulation or resolution adopted at a public meeting.
30 Such officer, board, or agency may require responsible bidders and their
31 subcontractors to participate in apprenticeship training programs
32 approved by the department of labor. In any case where a responsible
33 bidder's or responsible offerer's gross price is reducible by an allow-
34 ance for the value of used machinery, equipment, apparatus or tools to
35 be traded in by a political subdivision, the gross price shall be
36 reduced by the amount of such allowance, for the purpose of determining
37 the best value. In cases where two or more responsible bidders furnish-
38 ing the required security submit identical bids as to price, such offi-
39 cer, board or agency may award the contract to any of such bidders. Such
40 officer, board or agency may, in [~~his or her~~] their or its discretion,
41 reject all bids or offers and readvertise for new bids or offers in the
42 manner provided by this section. In determining whether a purchase is an
43 expenditure within the discretionary threshold amounts established by
44 this subdivision, the officer, board or agency of a political subdivi-
45 sion or of any district therein shall consider the reasonably expected
46 aggregate amount of all purchases of the same commodities, services or
47 technology to be made within the twelve-month period commencing on the
48 date of purchase. Purchases of commodities, services or technology
49 shall not be artificially divided for the purpose of satisfying the
50 discretionary buying thresholds established by this subdivision. A
51 change to or a renewal of a discretionary purchase shall not be permit-
52 ted if the change or renewal would bring the reasonably expected aggre-
53 gate amount of all purchases of the same commodities, services or tech-
54 nology from the same provider within the twelve-month period commencing
55 on the date of the first purchase to an amount greater than the discre-
56 tionary buying threshold amount. For purposes of this section, "sealed

1 bids" and "sealed offers", as that term applies to purchase contracts,
2 (including contracts for service work, but excluding any purchase
3 contracts necessary for the completion of a public works contract pursu-
4 ant to article eight of the labor law) shall include bids and offers
5 submitted in an electronic format including submission of the statement
6 of non-collusion required by section one hundred three-d of this arti-
7 cle, provided that the governing board of the political subdivision or
8 district, by resolution, has authorized the receipt of bids and offers
9 in such format. Submission in electronic format may, for technology
10 contracts only, be required as the sole method for the submission of
11 bids and offers. Provided however, the appropriate officer, board or
12 agency of a city with a population of one million inhabitants or more,
13 or any district, board or agency with jurisdiction exclusively within
14 such city, may authorize or require bids and offers for any contract to
15 be submitted in an electronic format. Bids and offers submitted in an
16 electronic format shall be transmitted by bidders and offerers to the
17 receiving device designated by the political subdivision or district.
18 Any method used to receive electronic bids and offers shall comply with
19 article three of the state technology law, and any rules and regulations
20 promulgated and guidelines developed thereunder and, at a minimum, must
21 (a) document the time and date of receipt of each bid and offer received
22 electronically; (b) authenticate the identity of the sender; (c) ensure
23 the security of the information transmitted; and (d) ensure the confi-
24 dentiality of the bid or offer until the time and date established for
25 the opening of bids or offers. The timely submission of an electronic
26 bid or offer in compliance with instructions provided for such
27 submission in the advertisement for bids or offers and/or the specifica-
28 tions shall be the responsibility solely of each bidder or offerer or
29 prospective bidder or offerer. No political subdivision or district
30 therein shall incur any liability from delays of or interruptions in the
31 receiving device designated for the submission and receipt of electronic
32 bids and offers.

33 § 8. Subdivision 1 of section 103 of the general municipal law, as
34 amended by chapter 2 of the laws of 2012, is amended to read as follows:
35 1. Except as otherwise expressly provided by an act of the legislature
36 or by a local law adopted prior to September first, nineteen hundred
37 fifty-three, all contracts for public work involving an expenditure of
38 more than thirty-five thousand dollars which are subject to the
39 provisions of article eight of the labor law, and all purchase contracts
40 involving an expenditure of more than twenty thousand dollars, shall be
41 awarded by the appropriate officer, board or agency of a political
42 subdivision or of any district therein including but not limited to a
43 soil conservation district to the lowest responsible bidder furnishing
44 the required security after advertisement for sealed bids in the manner
45 provided by this section, provided, however, that purchase contracts
46 (including contracts for service work, but excluding any purchase
47 contracts necessary for the completion of a public works contract pursu-
48 ant to article eight of the labor law) may be awarded on the basis of
49 best value, as defined in section one hundred sixty-three of the state
50 finance law, to a responsive and responsible bidder or offerer in the
51 manner provided by this section except that in a political subdivision
52 other than a city with a population of one million inhabitants or more
53 or any district, board or agency with jurisdiction exclusively therein
54 the use of best value for awarding a purchase contract or purchase
55 contracts must be authorized by local law or, in the case of a district
56 corporation, school district or board of cooperative educational

1 services, by rule, regulation or resolution adopted at a public meeting.
2 Such officer, board, or agency may require responsible bidders and their
3 subcontractors to participate in apprenticeship training programs
4 approved by the department of labor. In determining whether a purchase
5 is an expenditure within the discretionary threshold amounts established
6 by this subdivision, the officer, board or agency of a political subdivi-
7 sion or of any district therein shall consider the reasonably expected
8 aggregate amount of all purchases of the same commodities, services or
9 technology to be made within the twelve-month period commencing on the
10 date of purchase. Purchases of commodities, services or technology shall
11 not be artificially divided for the purpose of satisfying the discre-
12 tionary buying thresholds established by this subdivision. A change to
13 or a renewal of a discretionary purchase shall not be permitted if the
14 change or renewal would bring the reasonably expected aggregate amount
15 of all purchases of the same commodities, services or technology from
16 the same provider within the twelve-month period commencing on the date
17 of the first purchase to an amount greater than the discretionary buying
18 threshold amount. In any case where a responsible bidder's or responsi-
19 ble offerer's gross price is reducible by an allowance for the value of
20 used machinery, equipment, apparatus or tools to be traded in by a poli-
21 tical subdivision, the gross price shall be reduced by the amount of
22 such allowance, for the purpose of determining the low bid or best
23 value. In cases where two or more responsible bidders furnishing the
24 required security submit identical bids as to price, such officer, board
25 or agency may award the contract to any of such bidders. Such officer,
26 board or agency may, in [~~his, her~~] their or its discretion, reject all
27 bids or offers and readvertise for new bids or offers in the manner
28 provided by this section.

29 § 9. Section 220 of the labor law is amended by adding a new subdivi-
30 sion 11 to read as follows:

31 11. All public entities subject to this article shall make available
32 for public inspection and copying of the records or portions thereof
33 pertaining to the names of, employee classifications of, rate of wages
34 and supplements paid to, and number of hours worked by the employees of
35 contractors performing work pursuant to this article and article nine of
36 this chapter. The social security numbers of such employees may be
37 blocked out by the agency. An entity shall not be permitted to deny
38 access to records or portions thereof pertaining to the payment of wages
39 and supplements to, and number of hours worked by, the employees of
40 contractors subject to this article and article nine of this chapter.

41 § 10. Section 233 of the labor law is amended by adding a new subdivi-
42 sion 5 to read as follows:

43 5. All public entities subject to this article shall make available
44 for public inspection and copying of the records or portions thereof
45 pertaining to the names of, employee classifications of, rate of wages
46 and supplements paid to, and number of hours worked by the employees of
47 contractors performing work pursuant to this article and article eight
48 of this chapter. The social security numbers of such employees may be
49 blocked out by the agency. An entity shall not be permitted to deny
50 access to records or portions thereof pertaining to the payment of wages
51 and supplements to, and number of hours worked by, the employees of
52 contractors subject to this article and article eight of this chapter.

53 § 11. Subdivision 2 of section 87 of the public officers law is
54 amended by adding a new paragraph (w) to read as follows:

55 (w) Provided that, nothing in this subdivision shall permit an agency
56 to deny access to records or portions thereof pertaining to the payment

1 of wages and supplements to, and number of hours worked by the employees
2 of contractors subject to articles eight and nine of the labor law. All
3 public entities subject to this article shall make available for public
4 inspection and copying of such records, the names of, employee classi-
5 fications of, rate of wages and supplements paid to, and number of hours
6 worked by the employees of contractors performing work pursuant to arti-
7 cles eight and nine of the labor law. The social security numbers of
8 such employees may be blocked out by the agency.

9 § 12. Paragraph (a) of subdivision 2 of section 89 of the public offi-
10 cers law, as amended by section 11 of part U of chapter 61 of the laws
11 of 2011, is amended to read as follows:

12 (a) The committee on public access to records may promulgate guide-
13 lines regarding deletion of identifying details or withholding of
14 records otherwise available under this article to prevent unwarranted
15 invasions of personal privacy. In the absence of such guidelines, an
16 agency may delete identifying details when it makes records available,
17 provided however, nothing in this paragraph shall permit the denial of
18 access to records or portions thereof pertaining to the payment of wages
19 and supplements to, and number of hours worked by the employees of
20 contractors subject to articles eight and nine of the labor law. All
21 public entities subject to this article shall make available for public
22 inspection and copying of such records, the names of, employee classi-
23 fications of, rate of wages and supplements paid to, and number of hours
24 worked by the employees of contractors performing work pursuant to arti-
25 cles eight and nine of the labor law. The social security numbers of
26 such employees may be blocked out by the agency.

27 § 13. Paragraph (b) of subdivision 2 of section 89 of the public offi-
28 cers law is amended by adding a new undesignated paragraph to read as
29 follows:

30 Provided that, nothing in this paragraph shall permit an agency to
31 deny access to records or portions thereof pertaining to the payment of
32 wages and supplements to, and number of hours worked by employees of
33 contractors subject to articles eight and nine of the labor law. It
34 shall not be an unwarranted invasion of personal privacy for all public
35 entities subject to this article, to make available for public
36 inspection and copying, the records of all names of, employee classi-
37 fications of, rate of wages and supplements paid to, and number of hours
38 worked by the employees of contractors performing work pursuant to arti-
39 cles eight and nine of the labor law. The social security numbers of
40 such employees may be blocked out by the agency.

41 § 14. Subdivision 2-a of section 89 of the public officers law, as
42 added by chapter 652 of the laws of 1983, is amended to read as follows:

43 2-a. Nothing in this article shall permit disclosure which constitutes
44 an unwarranted invasion of personal privacy as defined in subdivision
45 two of this section if such disclosure is prohibited under section nine-
46 ty-six of this chapter, provided however, that nothing in this article
47 shall permit an agency to deny access to records or portions thereof
48 pertaining to the payment of rate of wages and supplements to, and
49 number of hours worked by, employees of contractors subject to articles
50 eight and nine of the labor law. It shall not be an unwarranted invasion
51 of personal privacy as defined in subdivision two of this section, nor a
52 prohibited disclosure under section ninety-six of this chapter for all
53 public entities subject to this article, to make available for public
54 inspection and copying such records of all names of, employee classi-
55 fications of, rate of wages and supplements paid to, and number of hours
56 worked by the employees of contractors performing work pursuant to arti-

1 cles eight and nine of the labor law. The social security numbers of
2 such employees may be blocked out by the agency.

3 § 15. Subparagraph (iii) of paragraph a of subdivision 3-a of section
4 220 of the labor law, as amended by chapter 71 of the laws of 2025, is
5 amended to read as follows:

6 (iii) The contractor and every sub-contractor shall keep original
7 payrolls or transcripts thereof, subscribed and sworn to or affirmed by
8 [~~him or her~~] them as true under the penalties of perjury, setting forth
9 the names and addresses and showing for each worker, laborer, or mechan-
10 ic the hours and days worked, the occupations worked, the hourly wage
11 rates paid and the supplements paid or provided. Such payrolls or tran-
12 scripts thereof shall be accompanied by a copy of each notice required
13 under subdivision one or two of section one hundred ninety-five of this
14 chapter for every laborer, worker or mechanic, which shall be subscribed
15 and sworn to or affirmed as true under penalties of perjury and shall be
16 deemed to be part of the original payrolls or transcripts thereof for
17 purposes of this subdivision. Where the contractor or sub-contractor
18 maintains no regular place of business in New York state and where the
19 amount of the contract is in excess of twenty-five thousand dollars such
20 payrolls shall be kept on the site of the work. All other contractors or
21 sub-contractors shall produce within five days on the site of the work
22 and upon formal order of the commissioner or [~~his or her~~] their desig-
23 nated representative such original payrolls or transcripts thereof,
24 subscribed and sworn to or affirmed by [~~him or her~~] them as true under
25 the penalties of perjury, as may be deemed necessary to adequately
26 enforce the provisions of this article. Unless otherwise submitted
27 pursuant to section two hundred twenty-j of this article, every contrac-
28 tor, and sub-contractor, shall submit to the department of jurisdiction
29 within thirty days after issuance of its first payroll, and every thirty
30 days thereafter, a transcript of the original payroll record, as
31 provided by this article, and at the completion of the project a summary
32 transcript specifying the hours and days worked by each worker, laborer
33 or mechanic, the trade or occupation at which they worked, the hourly
34 wage rate paid, the supplements paid or provided to such employee and
35 the names, tax identification number and job title of each individual
36 classified by the contractor or subcontractor as independent contractors
37 who were hired and employed by such contractor to perform work subject
38 to the provisions of this article. Such summary transcript shall be
39 subscribed and sworn to or affirmed as true under the penalties of
40 perjury. Any person who willfully fails to file such payroll records
41 with the department of jurisdiction, commissioner, or the fiscal officer
42 shall be guilty of a class E felony. In addition, any person who will-
43 fully fails to file such payroll records within the time specified in
44 this subparagraph shall be subject to a civil penalty of up to one thou-
45 sand dollars per day. Each independent contractor shall have obtained a
46 tax identification number prior to employment on a project and shall
47 submit such number to the contractor as required by the commissioner.

48 § 16. Subdivision 3-a of section 220 of the labor law is amended by
49 adding a new paragraph h to read as follows:

50 h. Where the capital construction cost of a public work subject to the
51 provisions of this section exceeds one million dollars, the department
52 of jurisdiction shall certify that the project will be audited from time
53 to time by the department of labor to ensure compliance with the
54 provisions of this article. The department of jurisdiction shall inform
55 the department of labor of the project's cost and shall establish a
56 timetable for audit by the department of labor.

1 § 17. Severability clause. If any clause, sentence, paragraph, subdi-
2 vision, section or part contained in any part of this act shall be
3 adjudged by any court of competent jurisdiction to be invalid, such
4 judgment shall not affect, impair, or invalidate the remainder thereof,
5 but shall be confined in its operation to the clause, sentence, para-
6 graph, subdivision, section or part contained in any part thereof
7 directly involved in the controversy in which such judgment shall have
8 been rendered. It is hereby declared to be the intent of the legislature
9 that this act would have been enacted even if such invalid provisions
10 had not been included herein.

11 § 18. This act shall take effect immediately; provided, however, that:

12 1. Sections four, five, six and fifteen of this act shall take effect
13 on the sixtieth day after they shall have become a law;

14 2. Sections seven and eight of this act shall apply to contracts let
15 on or after such effective date of each section respectively;

16 3. The amendments to subdivision 1 of section 103 of the general
17 municipal law made by section seven of this act shall be subject to the
18 expiration and reversion of such subdivision pursuant to subdivision (a)
19 of section 41 of part X of chapter 62 of the laws of 2003, as amended,
20 when upon such date the provisions of section eight of this act shall
21 take effect; and

22 4. Sections nine through fourteen of this act shall take effect on the
23 thirtieth day after they shall have become a law.