

STATE OF NEW YORK

2747--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

Introduced by M. of A. BRONSON, TAYLOR, ROZIC, CRUZ, GLICK, ROSENTHAL, SIMONE, BORES, GONZALEZ-ROJAS, SEAWRIGHT, BENEDETTO, REYES, WEPRIN, BRABENEC, RAGA, SLATER, BRAUNSTEIN, DINOWITZ, DURSO, STECK, RA, EPSTEIN, RAJKUMAR, GIBBS, TAPIA, HYNDMAN, BERGER, LEE, BURDICK, JACOBSON, K. BROWN, BENDETT, REILLY, McDONOUGH, PHEFFER AMATO, MIKULIN, SANTABARBARA, STERN, OTIS, GRIFFIN, COLTON, KAY, WILLIAMS, MEEKS, SHRESTHA, LUNSFORD, CLARK, BURROUGHS, SHIMSKY, LUPARDO -- Multi-Sponsored by -- M. of A. LEVENBERG -- read once and referred to the Committee on Labor -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the labor law, in relation to inclusion of certain off-site custom fabrication as public work for the purposes of payment of prevailing wage

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

1 Section 1. Subdivision 3 of section 220 of the labor law is amended
2 by adding a new paragraph (f) to read as follows:

3 (f) (i) For the purposes of this subdivision contractors or subcon-
4 tractors engaged in custom fabrication shall not be regarded as material
5 suppliers. For the purposes of this subdivision, a legal day's work for
6 which the prevailing rate of wages for the New York county in which the
7 public works project is situated shall be paid to laborers, workers and
8 mechanics shall include custom fabrication regardless of whether the
9 custom fabrication occurs on-site, off-site, or in another jurisdiction
10 outside the state where the custom fabrication constitutes a significant
11 portion of the building or work, it shall be a condition of the contract
12 concerning all such custom fabrication work that the contractor or
13 employer awarded the public work contract, except where the project
14 includes federal funding that triggers federal rules for wage require-

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

LBD00331-03-5

1 ments, and any subcontractor thereto shall pay the on-site prevailing
2 wage required for workers at the site of the public work project to
3 those workers performing the custom fabrication. To perform a public
4 works contract each contractor or subcontractor who employs workers
5 off-site for the custom fabrication work related to a public work
6 project shall maintain certified payrolls for those workers and provide
7 such payrolls, with original certifications, to the department at least
8 annually and upon request, and shall comply with section two hundred
9 twenty-i of this article, as applicable. For the purposes of this
10 subdivision the term "custom fabrication" shall include, but not be
11 limited to, the fabrication of exterior or interior wall panel systems,
12 woodwork, electrical, plumbing, heating, cooling, ventilation or exhaust
13 duct systems, rebar cages, and mechanical insulation solely and specif-
14 ically designed and engineered for installation in the construction,
15 repair or renovation of a building which is the subject of a contract to
16 which the state, a department of the state, a board or officer in the
17 state, a municipal corporation, a public benefit corporation or a
18 commission appointed pursuant to law is a party. For the purposes of
19 this subdivision, a "significant portion of building or work" means that
20 portions or modules of the building or work, as opposed to smaller
21 prefabricated components, are delivered to the place where the building
22 or work will remain, with minimal construction work remaining other than
23 the installation and/or assembly of the portions or modules.

24 (ii) The department of jurisdiction, as defined in subdivision three-a
25 of this section and including any entity to whom such department of
26 jurisdiction delegates their authority, shall be required to report to
27 the fiscal officer the intention to contract for custom, off-site fabri-
28 cation of any materials on all contracts, regardless of the amount,
29 which may include the employment of laborers, workers or mechanics in
30 the application to the fiscal officer for the approval of such contract.
31 The department of jurisdiction's report shall state the name and address
32 of the off-site, custom fabricator, identify the custom materials that
33 are being fabricated off-site and the quantity thereof, the estimated
34 and actual cost of the off-site fabrication, and the estimated number of
35 workers employed to complete the custom fabrication at the off-site
36 location.

37 § 2. This act shall take effect on the one hundred eightieth day after
38 it shall have become a law and shall apply only to those contracts put
39 out to bid on or after such effective date. Effective immediately, the
40 addition, amendment and/or repeal of any rule or regulation necessary
41 for the implementation of this act on its effective date are authorized
42 to be made and completed on or before such effective date.