

# STATE OF NEW YORK

739

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to payroll records submitted by contractors and subcontractors for public work contracts and in relation to extending the date the department of labor shall be required to develop and implement an online database of electronic certified payroll records

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

1 Section 1. Subdivision 4 of section 220-j of the labor law, as added  
2 by a chapter of the laws of 2024 amending the labor law relating to  
3 requiring contractors and subcontractors employed by the state to submit  
4 their payrolls or transcripts to the fiscal officer, as proposed in  
5 legislative bills numbers S. 8608-A and A. 9265-A, is amended to read as  
6 follows:

7 4. No later than December thirty-first, two thousand [~~twenty-four~~]  
8 twenty-five, the department shall develop and implement an online data-  
9 base of electronic certified payroll records submitted pursuant to this  
10 section. Such database shall be publicly accessible, but not include  
11 personally identifiable information. Such database shall be searchable,  
12 including each available payroll record subset. In a city with a popu-  
13 lation in excess of one million, the commissioner shall ensure access to  
14 such online database is provided to the fiscal officer in a manner that  
15 allows such officer to monitor and enforce the provisions of this  
16 section.

17 § 2. Section 220-j of the labor law, as added by a chapter of the laws  
18 of 2024 amending the labor law relating to requiring contractors and  
19 subcontractors employed by the state to submit their payrolls or tran-  
20 scriptions to the fiscal officer, as proposed in legislative bills numbers

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

LBD02669-01-5

1 S. 8608-A and A. 9265-A, is amended by adding two new subdivisions 2-a  
2 and 5 to read as follows:

3 2-a. For purposes of subparagraphs (iii) and (iv) of paragraph a of  
4 subdivision three-a of section two hundred twenty of this article, the  
5 furnishing of electronic records consistent with subdivision two of this  
6 section by a contractor or subcontractor shall satisfy the requirement  
7 that such contractor or subcontractor submit a transcript of the  
8 original payroll record and that the appropriate department of jurisdic-  
9 tion collect and maintain such payroll records.

10 5. Within thirty days of the effective date of this section, the mayor  
11 of a city with a population in excess of one million shall notify the  
12 commissioner that such city elects to develop and implement an online  
13 database of electronic certified payroll records submitted pursuant to  
14 this section for every contractor and subcontractor working on a public  
15 work subject to section two hundred twenty of this article performed by  
16 or on behalf of the city. Such database shall be publicly accessible on  
17 the city's website and through the department's website, shall not  
18 include personally identifiable information and shall comply with all  
19 provisions of this chapter. The city comptroller shall have access to  
20 such online database in a manner that allows such officer to monitor and  
21 enforce the provisions of this section. Where such city comptroller  
22 determines that such database does not comply with all provisions of  
23 this chapter, or where such city fails to develop such database by  
24 December first, two thousand twenty-five, upon notice to the commis-  
25 ioner, all such city agency projects shall be covered by the commissioner's  
26 database and such contractors and subcontractors shall furnish records  
27 to the commissioner in accordance with this section.

28 § 3. Subparagraphs (iii) and (iv) of paragraph a of subdivision 3-a of  
29 section 220 of the labor law, subparagraph (iii) as amended by chapter  
30 86 of the laws of 2020 and subparagraph (iv) as amended by chapter 8 of  
31 the laws of 2008, are amended to read as follows:

32 (iii) The contractor and every sub-contractor shall keep original  
33 payrolls or transcripts thereof, subscribed and sworn to or affirmed by  
34 him or her as true under the penalties of perjury, setting forth the  
35 names and addresses and showing for each worker, laborer, or mechanic  
36 the hours and days worked, the occupations worked, the hourly wage rates  
37 paid and the supplements paid or provided. Such payrolls or transcripts  
38 thereof shall be accompanied by a copy of each notice required under  
39 subdivision one or two of section one hundred ninety-five of this chap-  
40 ter for every laborer, worker or mechanic, which shall be subscribed and  
41 sworn to or affirmed as true under penalties of perjury and shall be  
42 deemed to be part of the original payrolls or transcripts thereof for  
43 purposes of this subdivision. Where the contractor or sub-contractor  
44 maintains no regular place of business in New York state and where the  
45 amount of the contract is in excess of twenty-five thousand dollars such  
46 payrolls shall be kept on the site of the work. All other contractors or  
47 sub-contractors shall produce within five days on the site of the work  
48 and upon formal order of the commissioner or his or her designated  
49 representative such original payrolls or transcripts thereof, subscribed  
50 and sworn to or affirmed by him or her as true under the penalties of  
51 perjury, as may be deemed necessary to adequately enforce the provisions  
52 of this article. ~~Every~~ Unless otherwise submitted pursuant to section  
53 two hundred twenty-j of this article, every contractor, and sub-contrac-  
54 tor, shall submit to the department of jurisdiction within thirty days  
55 after issuance of its first payroll, and every thirty days thereafter, a  
56 transcript of the original payroll record, as provided by this article,

1 subscribed and sworn to or affirmed as true under the penalties of  
2 perjury. Any person who willfully fails to file such payroll records  
3 with the department of jurisdiction, commissioner, or the fiscal officer  
4 shall be guilty of a class E felony. In addition, any person who will-  
5 fully fails to file such payroll records within the time specified in  
6 this subparagraph shall be subject to a civil penalty of up to one thou-  
7 sand dollars per day.

8 (iv) [~~The~~] Unless otherwise submitted pursuant to section two hundred  
9 twenty-j of this article, the department of jurisdiction shall be  
10 required to collect and maintain such payroll records at the times spec-  
11 ified in subparagraph (iii) of this paragraph. The original payrolls or  
12 transcripts shall be preserved by the department of jurisdiction for  
13 five years from the date of completion of the work on the awarded  
14 contract. The department of jurisdiction as herein referred to shall be  
15 the department of the state, board or officer in the state, or municipal  
16 corporation or commission or board appointed pursuant to law, whose duty  
17 it is to prepare or direct the preparation of the plans and specifica-  
18 tions for a public work project. Each department of jurisdiction shall  
19 designate in writing an individual employed by such department responsi-  
20 ble for the receipt, collection and review for facial validity of  
21 payrolls. Said designation shall be filed with the fiscal officer and  
22 posted in a conspicuous location at the project site. If the designated  
23 individual cannot perform the receipt, collection and review of certi-  
24 fied payrolls duties as indicated above, for any reason, including but  
25 not limited to reassignment, promotion or separation from employment,  
26 the department of jurisdiction must immediately designate another indi-  
27 vidual employed by such department to fulfill such responsibilities. In  
28 the event that a department of jurisdiction fails to name an individual  
29 responsible for the receipt, collection and review for facial validity  
30 of payrolls, as set forth above, then the individual so responsible  
31 shall be the individual who is the chief policy-making individual of  
32 such department of jurisdiction.

33 § 4. This act shall take effect on the same date and in the same  
34 manner as a chapter of the laws of 2024, amending the labor law relating  
35 to requiring contractors and subcontractors employed by the state to  
36 submit their payrolls or transcripts to the fiscal officer, as proposed  
37 in legislative bills numbers S. 8608-A and A. 9265-A, takes effect.