STATE OF NEW YORK

2433

2025-2026 Regular Sessions

IN ASSEMBLY

January 16, 2025

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

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:

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

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

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

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

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

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

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

(iii) The contractor and every sub-contractor shall keep original payrolls or transcripts thereof, subscribed and sworn to or affirmed by him or her as true under the penalties of perjury, setting forth the names and addresses and showing for each worker, laborer, or mechanic the hours and days worked, the occupations worked, the hourly wage rates paid and the supplements paid or provided. Such payrolls or transcripts thereof shall be accompanied by a copy of each notice required under subdivision one or two of section one hundred ninety-five of this chapter for every laborer, worker or mechanic, which shall be subscribed and sworn to or affirmed as true under penalties of perjury and shall be deemed to be part of the original payrolls or transcripts thereof for purposes of this subdivision. Where the contractor or sub-contractor maintains no regular place of business in New York state and where the amount of the contract is in excess of twenty-five thousand dollars such payrolls shall be kept on the site of the work. All other contractors or sub-contractors shall produce within five days on the site of the work and upon formal order of the commissioner or his or her designated representative such original payrolls or transcripts thereof, subscribed and sworn to or affirmed by him or her as true under the penalties of perjury, as may be deemed necessary to adequately enforce the provisions of this article. [~~Every~~] Unless otherwise submitted pursuant to section two hundred twenty-j of this article, every contractor, and sub-contractor, shall submit to the department of jurisdiction within thirty days after issuance of its first payroll, and every thirty days thereafter, a transcript of the original payroll record, as provided by this article, subscribed and sworn to or affirmed as true under the penalties of perjury. Any person who willfully fails to file such payroll records

with the department of jurisdiction, commissioner, or the fiscal officer shall be guilty of a class E felony. In addition, any person who willfully fails to file such payroll records within the time specified in this subparagraph shall be subject to a civil penalty of up to one thousand dollars per day.

(iv) [~~The~~] **Unless otherwise submitted pursuant to section two hundred twenty-j of this article, the** department of jurisdiction shall be required to collect and maintain such payroll records at the times specified in subparagraph (iii) of this paragraph. The original payrolls or transcripts shall be preserved by the department of jurisdiction for five years from the date of completion of the work on the awarded contract. The department of jurisdiction as herein referred to shall be the department of the state, board or officer in the state, or municipal corporation or commission or board appointed pursuant to law, whose duty it is to prepare or direct the preparation of the plans and specifications for a public work project. Each department of jurisdiction shall designate in writing an individual employed by such department responsible for the receipt, collection and review for facial validity of payrolls. Said designation shall be filed with the fiscal officer and posted in a conspicuous location at the project site. If the designated individual cannot perform the receipt, collection and review of certified payrolls duties as indicated above, for any reason, including but not limited to reassignment, promotion or separation from employment, the department of jurisdiction must immediately designate another individual employed by such department to fulfill such responsibilities. In the event that a department of jurisdiction fails to name an individual responsible for the receipt, collection and review for facial validity of payrolls, as set forth above, then the individual so responsible shall be the individual who is the chief policy-making individual of such department of jurisdiction.

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