

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:

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

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

LBD02669-01-5

1 2-a. For purposes of subparagraphs (iii) and (iv) of paragraph a of
2 subdivision three-a of section two hundred twenty of this article, the
3 furnishing of electronic records consistent with subdivision two of this
4 section by a contractor or subcontractor shall satisfy the requirement
5 that such contractor or subcontractor submit a transcript of the
6 original payroll record and that the appropriate department of jurisdic-
7 tion collect and maintain such payroll records.

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

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

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

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

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

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