AN ACT to amend the labor law, in relation to requiring that workers receive written notification of the prevailing wage rates and supplements at the beginning, and during the performance, of every public works contract

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

Section 1. Paragraph a of subdivision 3-a of section 220 of the labor law, as amended by chapter 458 of the laws of 1999, is amended to read as follows:

a. It shall be the duty of the department of jurisdiction as defined in this section to ascertain from the plans and specifications the classification of workers, mechanics and laborers to be employed on such project. Such department shall file with the fiscal officer, as defined in this section, the classification of workers, mechanics and laborers to be employed upon such public works project, together with a statement of the work to be performed by each such classification. From such statement it shall be the duty of the fiscal officer to make a proper classification of such workers, mechanics and laborers taking into account whether the work is heavy and highway, building, sewer and water, tunnel work or residential and to make a determination of the schedules of wages and supplements to be paid or provided, as the case may be, therefor. The contractor and every sub-contractor on public works contracts shall post in a prominent and

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

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accessible place on the site where the work is performed a legible
statement of all wage rates and supplements as specified in the contract
to be paid or provided, as the case may be, for the various classes of
mechanics, [workingmen] workers, or laborers employed on the work. Such
posted statement shall be written in plain English and titled, in
lettering no smaller than two inches in height and two inches in width,
with the phrase "Prevailing Rate of Wages". Such posted statement shall
be constructed of materials capable of withstanding adverse weather
conditions. The contractor and every sub-contractor shall notify all
laborers, workers or mechanics in their employ in writing of the
prevailing rate of wage for their particular job classification. Such
notification shall be given to every laborer, worker or mechanic on
their first pay stub and with every pay stub thereafter. At the begin-
ning of performance of every public works contract, and with the first
paycheck after July first of each year, the contractor and every sub-
contractor shall notify all laborers, workers, and mechanics in their
employ in writing, in accordance with such form as is prescribed by the
department, of the telephone number and address for the department. The
notice shall also inform each laborer, worker, or mechanic of his or her
right to contact the department or some other representative if, at any
time while working for the public works contractor or sub-contractor, he
or she does not receive the proper prevailing rate of wages or supple-
ments for his or her particular job classification that he or she is
entitled to receive under the contract. If after investigation the
commissioner finds that a contractor or sub-contractor has (1) failed to
post any notice required under this subdivision, (2) failed to set forth
the prevailing wage on the pay stub, (3) wilfully posted the incorrect
prevailing wage, or (4) wilfully set forth the incorrect prevailing wage
on the pay stub, the commissioner, shall by an order which shall
describe particularly the nature of the alleged violation, assess the
contractor or sub-contractor a civil penalty of not more than fifty
dollars upon the first finding of a violation, two hundred fifty dollars
upon the second finding of a violation, and five hundred dollars for
each subsequent violation. In assessing the amount of the penalty, the
commissioner shall give due consideration to the size of the employer's
business, the good faith of the employer, and the gravity of the
violation. The contractor and every sub-contractor shall keep original
payrolls or transcripts thereof, subscribed and affirmed by him or her
as true under the penalties of perjury, showing the hours and days
worked by each [workingman] worker, laborer or mechanic, the occupation at
which he or she worked, the hourly wage rate paid and the supplements
paid or provided, on the site of the work 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. All other contractors or sub-contractors shall produce within
five days on the site of the work and upon formal order of the commis-
sioner or his or her designated representative such original payrolls or
transcripts thereof, subscribed and 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 contractor, and sub-con-
tractor, shall submit to the department of jurisdiction within thirty
days after issuance of its first payroll, and every thirty days there-
after, a transcript of the original payroll record, as provided by this
article, subscribed and affirmed as true under the penalties of perjury.
The department of jurisdiction shall be required to receive and maintain
such payroll records. The original payrolls or transcripts shall be
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preserved for three 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.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such effective date.