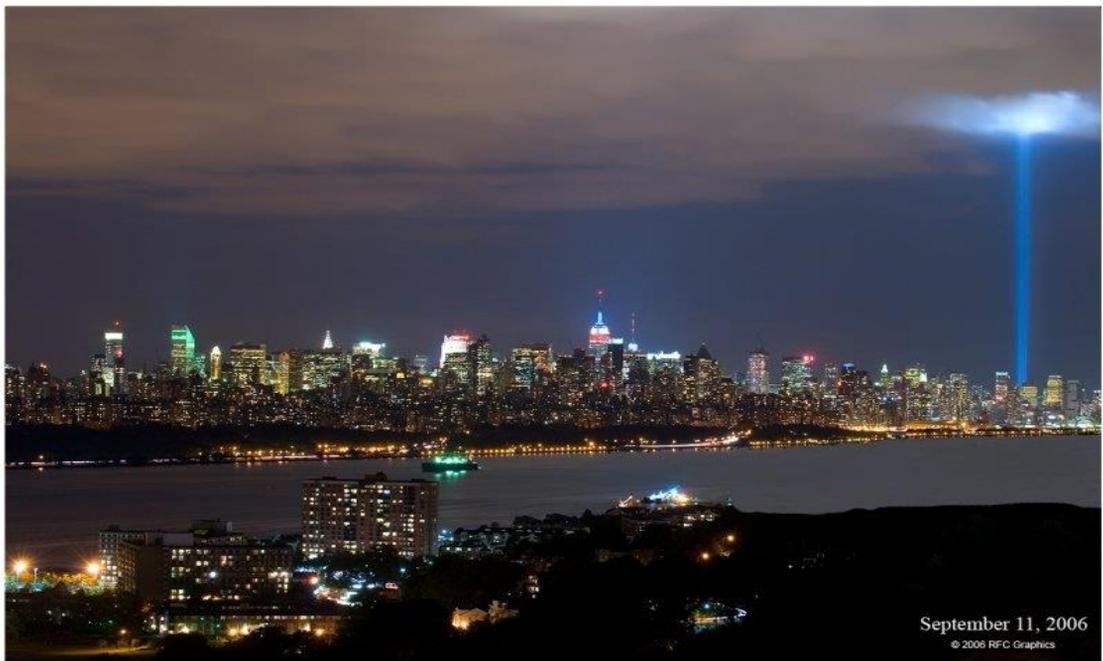


New York State Department of Labor

Bureau of Public Work



NYS Department of Labor Bureau of Public Work



In 1894, legislation was enacted in New York State creating the concept of prevailing wages on Public work projects.

NYS Department of Labor Bureau of Public Work



The New York State Department of Labor, Bureau Of Public Work is responsible for administration of Articles 8 & 9 of the Labor Law.

NYS Department of Labor Bureau of Public Work

Articles 8 and 9

Both articles require employers to pay workers not less than the prevailing rate of wage and supplemental benefits (fringe benefits) for the occupation at which they are working in the locality where the work is performed.



NYS Department of Labor Bureau of Public Work

Article 8

Article 8 covers public contracts for construction, reconstruction, maintenance and repair of public property and facilities let by the state and all its political subdivisions. There is no threshold contract dollar amount for the law to apply.



NYS Department of Labor Bureau of Public Work

Article 8

Under Article 8 the Commissioner of Labor enforces the prevailing wage requirements on contracts let by the state and its political subdivisions (cities, towns, counties, school districts etc) with the exception of projects let by the City of New York. In this case the the New York City Comptroller is responsible for enforcement of Article 8.



NYS Department of Labor Bureau of Public Work

Article 9



Covers building service contracts in excess of \$1500.

Examples of occupations covered are janitors, window cleaners, trash pickup, security guards, fuel delivery , and movers among others.



NYS Department of Labor

Bureau of Public Work

Article 9



The Bureau has jurisdiction on contracts let by the state and its political subdivisions with the exception of cities in which case the enforcement falls to the comptroller or analogous officer. A building service employee does not include any employee to whom the provisions of Article 8 of the Labor Law are applicable.

NYS Department of Labor
Bureau of Public Work

**Prevailing Wage
Schedule**

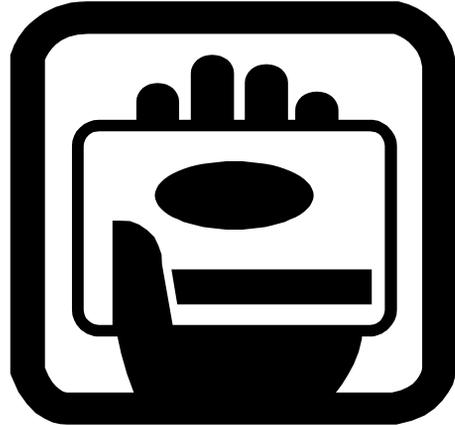


The Contracting Agency must provide the prime contractor with a copy of the appropriate prevailing wage schedule.

The schedule must be made part of the specifications prior to advertising for bids.

NYS Department of Labor
Bureau of Public Work

Purchase
Cards



- P-Cards are simply another tool used to procure services covered by both Articles 8 and 9 of the Labor Law.
- ALL provisions of both sections of the law still apply.

NYS Department of Labor
Bureau of Public Work

Prevailing Wage
Schedule



Both **Article 8 & Article 9** wage schedules are produced annually.

They are effective from July 1st to June 30th of the following year.

NYS Department of Labor
Bureau of Public Work

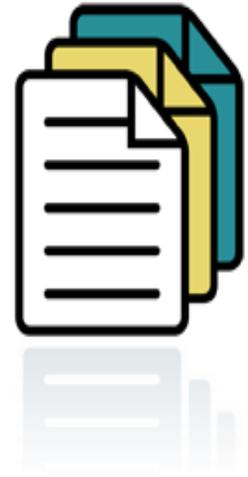
Prevailing Wage
Schedule



The Notice of Contract Award (PW16) and Notice of Completion/Cancelation of Project (PW200) are part of both **Article 8 & Article 9** wage schedules.

NYS Department of Labor
Bureau of Public Work

Prevailing Wage
Schedule



The Contracting Agency is responsible for submission of both forms:

- PW16 as soon as contract is awarded.
- PW200 at completion of project or if contract is cancelled.

NYS Department of Labor Bureau of Public Work

Enforcement Fund



Requires the Contracting Agency to submit .10 of one-percent of the total cost of each construction, reconstruction, or maintenance and repair, contract to the NYSDOL.

This requirement applies ***only*** to Article 8 contracts involving state agencies and public authorities or benefit corporations

NYS Department of Labor
Bureau of Public Work

Prevailing Wage
Schedule



Any corrections and / or changes to the Article 8 or 9 wage schedule are posted online the 1st day of each month.

NYS Department of Labor
Bureau of Public Work

Prevailing Wage
Schedule



When a current schedule expires (June 30th), the existing PRC#s are updated to the new July 1st rates and can be accessed online.

NYS Department of Labor
Bureau of Public Work

**Prevailing Wage
Schedule**



Prime contractor must:

- Provide a copy of the wage schedule to each subcontractor
- Obtain a verified statement certifying that the schedule was received
- Submit the verified statements to the contracting agency.

NYS Department of Labor Bureau of Public Work

Classification

On Public Work projects, the Commissioner of Labor is responsible for determining worker classification.



NYS Department of Labor
Bureau of Public Work

Prevailing Wage
Schedule



It is the responsibility of the public work contractor to use the proper rates. If there is a question on the proper classification to be used, the appropriate district office should be consulted.

NYS Department of Labor
Bureau of Public Work

Supplemental
Benefits



Can be provided to workers as:

- Cash payments
- Irrevocable contributions to a fund, plan or program
- Any combination of the above

NYS Department of Labor Bureau of Public Work

Apprentices

No employee shall be deemed an apprentice unless the employee is individually registered in a program that is registered with the NYS Commissioner of Labor.

Ratios are listed in the wage schedule.



NYS Department of Labor Bureau of Public Work

Prevailing Wage Schedule



Sole proprietor, owner-operators, and partners are usually not required to be paid the prevailing wage. Workers for a corporation are employees and required to be paid prevailing wage.

If you have any questions regarding this area, contact the Bureau of Public Work.

NYS Department of Labor Bureau of Public Work

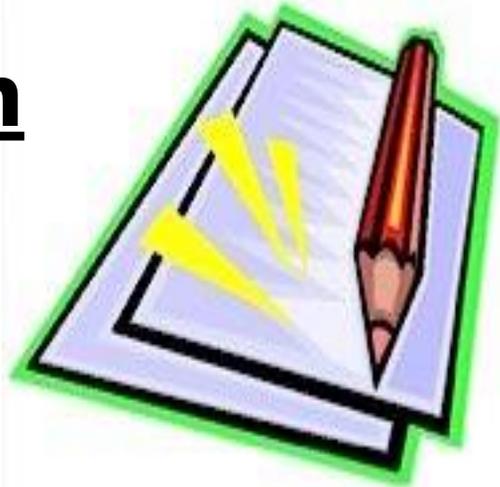
Hours



Under Article 8 on a Public Work Project, no laborer, worker or mechanic shall work more than 8 hours per day or 5 days per week, except in cases of extraordinary emergency.

NYS Department of Labor
Bureau of Public Work

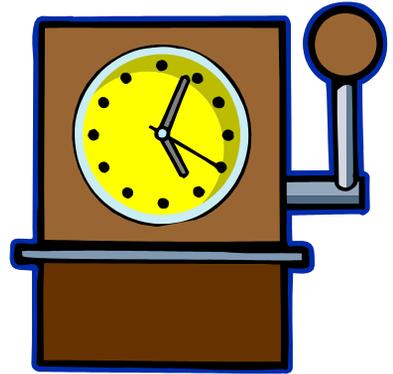
Dispensation



In cases of emergency, the contractor must apply to the DOL for a dispensation permitting additional hours or days to be worked. The application **must** be signed by the Contracting Agency.

NYS Department of Labor
Bureau of Public Work

Overtime



There are very few exceptions to this rule. The *Employer Registration for Use of 4 Day / 10 Hour Work (PW30R)* contains these exceptions.

The PW30R form must be submitted to Public Work when using any of the exceptions.

NYS Department of Labor
Bureau of Public Work

**Payroll Records -
Article 8**

Contractor Responsibility

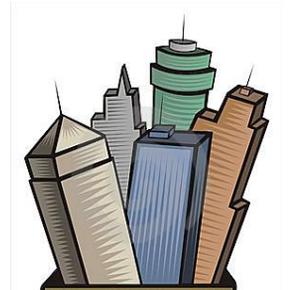
Every contractor must submit to the Contracting Agency, within 30 days after issuance of it's first payroll and every 30 days thereafter, a transcript of the original payrolls.



NYS Department of Labor
Bureau of Public Work

**Payroll Records -
Article 8**

**Contracting Agency
Responsibility**



The Contracting Agency is required to collect and maintain the original payrolls or transcripts for **five** years from the date of completion of the work on the awarded Contract. The filing of payrolls to the Contracting Agency is a condition of payment.

NYS Department of Labor
Bureau of Public Work

**Payroll Records -
Article 8**

**Contracting Agency
Responsibility**



The Contracting Agency must designate an employee responsible for collection and review for facial validity of payrolls. The designated person's name must be posted in a conspicuous location at the project site.

NYS Department of Labor
Bureau of Public Work

**Payroll Records -
Article 9**

Contractor Responsibility

The contractor must maintain all payroll records on a public work contract for a period of three years after the date of completion of the work.



NYS Department of Labor Bureau of Public Work

Withholdings



Payments on the public contract shall be withheld from the prime contractor to satisfy the alleged underpaid wages and/or supplements, including interest and civil penalty.

NYS Department of Labor Bureau of Public Work

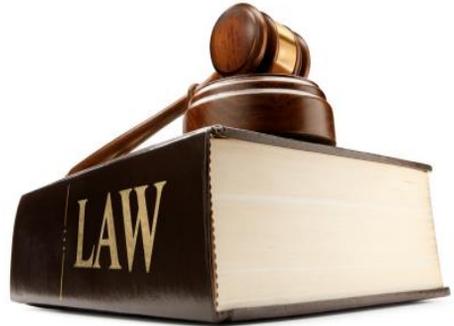


Withholdings

The prime contractor is ultimately responsible for any underpayments of prevailing wages or supplements by any subcontractor.

NYS Department of Labor Bureau of Public Work

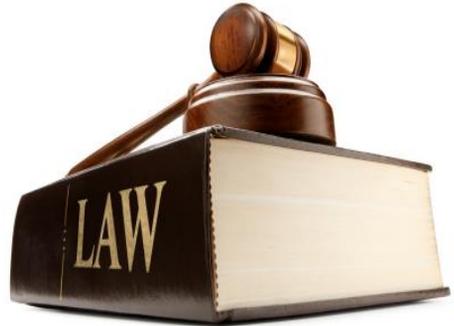
Debarment



Any contractor or subcontractor (and /or their successors) can be barred from bidding on or being awarded a public work contract for 5 years when:

NYS Department of Labor Bureau of Public Work

Debarment



- 2 willful determinations have been issued within any consecutive 6 years
- A willful determination involves falsification of payroll records or kickback of wages or supplements

The Debarment List is part of each requested wage schedule and can be accessed on the DOL website.

NYS DOL Bureau of Public Work Debarment List 03/11/2014

Article 8

AGENCY	Fiscal Officer	FEIN	EMPLOYER NAME	EMPLOYER DBA NAME	ADDRESS	DEBARMENT START DATE	DEBARMENT END DATE
DOL	DOL		4618 FOSTER AVE LLC		C/O KAHAN & KAHAN 225 BROADWAY-SUITE 715NEW YORK NY 10007	02/05/2013	02/05/2018
DOL	NYC		A & T IRON WORKS INC		25 CLIFF STREET NEW ROCHELLE NY 10801	12/21/2009	12/21/2014
DOL	DOL	*****0711	A ULIANO & SON LTD		22 GRIFFEN COURT MILLER PLACE NY 11746	10/26/2010	10/26/2015
DOL	DOL		A ULIANO CONSTRUCTION		22 GRIFFEN COURT MILLER PLACE NY 11746	10/26/2010	10/26/2015
DOL	NYC	*****5804	AAR/CO ELECTRIC INC		5902 AVENUE N BROOKLYN NY 11234	03/20/2009	03/20/2014
DOL	NYC	*****4486	ABBEY PAINTING CORP		21107 28TH AVENUE BAYSIDE NY 11360	07/02/2012	07/02/2017
DOL	DOL	*****9095	ABDO TILE CO		6179 EAST MOLLOY ROAD EAST SYRACUSE NY 13057	06/25/2010	07/02/2017
DOL	DOL	*****9095	ABDO TILE COMPANY		6179 EAST MOLLOY ROAD EAST SYRACUSE NY 13057	06/25/2010	07/02/2017
DOL	DOL	*****8488	ABELCRAFT OF NEW YORK CORP		640 ASHFORD AVENUE ARDSLEY NY 10502	08/27/2013	08/27/2018
DOL	DOL	*****1219	ABSOLUTE GENERAL CONTRACTING INC		1229 AVENUE U BROOKLYN NY 11229	01/28/2013	01/28/2018
DOL	DOL	*****4539	ACCOMPLISHED WALL SYSTEMS INC		112 OSCAWANA HEIGHTS ROAD PUTNAM VALLEY NY 10542	08/27/2013	08/27/2018
DOL	DOL		ADAM A CEMERYS		2718 CURRY ROAD SCHENECTADY NY 12303	07/08/2010	07/08/2015
DOL	DOL	*****7584	ADAM'S FLOOR COVERING LLC		2718 CURRY ROAD SCHENECTADY NY 12303	07/08/2010	02/15/2017
DOL	DOL		ADESUWA UWUIGBE		P O BOX 21-1022 BROOKLYN NY 11221	05/16/2012	05/16/2017
DOL	NYC		ADRIANA SELA	C/O COLONIAL ROOFING COMPANY INC	247 48TH STREET BROOKLYN NY 11220	02/05/2014	02/05/2019
DOL	DOL		AFFORDABLE PAINTING PLUS		367 GREEVES ROAD NEW HAMPTON NY 10958	10/01/2010	10/01/2015
DOL	DOL	*****2538	AGG MASONRY INC		160 72ND ST - SUITE 721 BROOKLYN NY 11209	03/19/2013	03/19/2018
DOL	DOL		ALBERT CASEY		43-28 54TH STREET WOODSIDE NY 11377	07/01/2011	07/01/2016
DOL	DOL		ALEJANDRO MATOS		C/O SEVEN STAR ELECTRICAL 23-24 STEINWAY STREETASTORIA NY 11105	06/27/2011	06/27/2016
DOL	DOL		ALISHER KARIMOV		C/O AGG MASONRY INC 7105 3RD AVENUEBROOKLYN NY 11209	03/19/2013	03/19/2018
DOL	DOL	*****8740	ALLSTATE ENVIRONMENTAL CORP		C/O JOSE MONTAS 27 BUTLER PLACEYONKERS NY 10710	03/18/2011	03/15/2017
DOL	DOL	*****8534	ALPHA INTERIORS INC		513 ACORN STREET/ SUITE C DEER PARK NY 11729	05/27/2010	05/27/2015
DOL	DOL	*****4274	AMERICAN STEEL MECHANICAL INC		693 PAINTER STREET MEDIA PA 19063	02/20/2013	02/20/2018
DOL	NYC		ANDERSON LOPEZ		670 SOUTHERN BLVD BRONX NY 10455	06/14/2011	06/14/2016
DOL	DOL		ANDREW DIPAUL		C/O CONSOLIDATED INDUSTRI 2051 ROUTE 44/55MODENA NY 12548	12/11/2012	12/11/2017
DOL	NYC		ANDRZEJ WROBEL		24 CONGRESS LANE SOUTH RIVER NJ 08882	05/01/2013	05/01/2018
DOL	AG		ANTHONY BRANCA		700 SUMMER STREET STAMFORD CT	11/24/2009	11/24/2014
DOL	DA		ANTHONY CARDINALE		58-48 59TH STREET MASPETH NY 11378	05/16/2012	05/16/2017
DOL	DOL		ANTHONY POSELLA		30 GLEN HOLLOW ROCHESTER NY 14622	10/19/2009	10/19/2014
DOL	DOL		ANTHONY TAORMINA		215 MCCORMICK DRIVE BOHEMIA NY 11716	05/20/2009	05/20/2014
DOL	DOL		ANTHONY ULIANO		22 GRIFFEN COURT MILLER PLACE NY 11746	10/26/2010	10/26/2015
DOL	DOL	*****3020	APCO CONTRACTING CORP		24 SOUTH MARYLAND AVENUE PORT WASHINGTON NY 11050	09/24/2012	09/24/2017
DOL	AG	*****0194	APPLIED CONSTRUCTION INC		46 RUGBY ROAD WESTBURY NY 11590	11/20/2013	11/20/2018

NYS Department of Labor Bureau of Public Work

Legislated Requirements for Article 8

Fair Play Act :

Constructions Industry – standard for determining whether a worker is an employee or independent contractor in construction industry.

Commercial Goods Transportation Industry – standard for determining whether a worker is an employee or independent contractor in the commercial goods transportation industry (effective 4.10.2014).

Fair Play Act for both the Construction and Commercial Goods Transportation Industries provides civil and criminal penalties for employers who fail to properly classify their employees. Employers must post a notice about the Fair Play Act in a prominent and accessible place on the job site. Failure to post the notice can result in monetary penalties.

NYS Department of Labor

Bureau of Public Work

Legislated Requirements for Article 8

Third Party Bill – contracts let by a third party acting in place of a Public entity are subject to provisions of Article 8.

Wicks Law – public work projects subject to the Wicks Law require separate specifications and bidding for plumbing, heating and electrical work. The total project's threshold has increased from \$50,000 to: \$3 million in Bronx, Kings, New York, Queens and Richmond counties; \$1.5 million in Nassau, Suffolk and Westchester counties; and \$500,000 in all other counties.

Worker Notification – workers on Public Projects must receive written notification of the prevailing wage and supplemental rate with every pay stub.

OSHA Ten Hour – all workers on a public work project over \$250,000 must be certified as having completed a course in construction safety and health as approved by OSHA that is at least ten hours in duration.

NYS Department of Labor Bureau of Public Work

Required Postings



- Prevailing Wage Rate Schedule
- Public Work Project Poster
- Fair Play Act Poster
- Unemployment Insurance Poster
- Worker's Compensation Poster
- Disability Benefits Poster

NYS Department of Labor Bureau of Public Work

This was a brief summary of
Articles 8 & 9 of the Labor Law.

- Answers to additional questions
can be found at -
www.labor.ny.gov
- For other questions, email -
[pwask @labor.ny.gov](mailto:pwask@labor.ny.gov)

NYSDOL Bureau of Public Work District Offices

Office	Contact Info	Service Coverage
Central Office	Bureau of Public Work State Office Bldg. Campus Bldg. 12 – Rm. 130 Albany, NY 12240 Tel. (518) 457-5589 Fax (518) 485-1870	General Information
Albany Office	State Office Bldg. Campus Bldg. 12 – Rm. 134B Albany, NY 12240 Tel. (518) 457-2744 Fax (518) 485-0240	Albany, Clinton, Columbia, Dutchess, Essex, Greene, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington
Binghamton Office	State Office Bldg. 44 Hawley St – Rm. 908 Binghamton, NY 13901 Tel. (607) 721-8005 Fax (607) 721-8004	Broome, Chemung, Chenango, Delaware, Otsego, Schuyler, Steuben, Sullivan, Tioga
Buffalo Office	65 Court St. – Rm. 201 Buffalo, NY 14202 Tel. (716) 847-7159 Fax (716) 847-7650	Allegany, Cattaraugus, Chautauqua, Erie, Niagara
Garden City Office	400 Oak St. – Suite 101 Garden City, NY 11530 Tel. (516) 228-3915 Fax (516) 794-3518	Nassau

Newburgh Office	The Maple Bldg. 3 Washington Ctr. – 4 th Floor Newburgh, NY 12550 Tel. (845) 568-5287 Fax (845) 568-5332	Orange, Rockland
New York City Office	Adam Clayton Powell Jr. SOB 163 W. 125 th St., Rm. 1307 New York, NY 10027 Tel. (212) 775-3568 Fax (212) 775-3579	Bronx, Kings, New York, Queens, Richmond
Patchogue Office	160 South Ocean Ave.- 2 nd Floor Patchogue, NY 11772 Tel. (631) 687-4886 Fax (631) 687-4902	Suffolk
Rochester Office	109 So. Union St. – Rm. 312 Rochester, NY 14607 Tel. (585) 258-4505 Fax (585) 258-4708	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne, Wyoming, Yates
Syracuse Office	333 East Washington St.-Rm.419 Syracuse, NY 13202 Tel. (315) 428-4056 Fax (315) 428-4671	Cayuga, Cortland, Jefferson, Onondaga, Oswego, Seneca, Tompkins
Utica Office	207 Genesee St. – Rm. 603B Utica, NY 13501 Tel. (315) 793-2314 Fax (315) 793-2514	Franklin, Fulton, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida, St. Lawrence
White Plains Office	120 Bloomingdale Rd. – Rm. 204 White Plains, NY 10605 Tel. (914) 997-9507 Fax (914) 997-9523	Putman, Westchester

NYS Department of Labor
Bureau of Public Work

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Bureau of Public Work

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State Office Building Campus
Albany, NY 12240

(518) 457-5589

*Thank you for your time
and interest.*

