Legislation Details (With Text)

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Int. No. 501

By Council Members Jackson, The Speaker (Council Member Miller), Avella, Baez, Barron, Brewer, Clarke, Comrie, Espada, Fidler, Foster, Gennaro, Gerson, Jennings, Katz, Lopez, Martinez, McMahon, Monserrate, Nelson, Perkins, Reed, Quinn, Sanders, Sears, Stewart, Vann, Yassky, Addabbo, DeBlasio and Gioia; also Council Member Gentile

A Local Law to amend the administrative code of the city of New York, in relation to apprenticeship training programs for city construction contractors.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent.

The Council hereby finds and declares that workforce and economic development are priorities for the Council and that the development of skilled construction workers is of particular importance. The Council further finds that the effective training of construction workers is vital to the safe and efficient operation of the city. Skilled workers produce quality construction, which reduces the overall costs of construction. Skilled

workers make construction sites safer since they are more familiar with the use of dangerous equipment than untrained workers. Skilled workers command living wages that can sustain families.

Apprenticeship programs develop worker skills through supervised training and education. Recognizing the value of skilled construction workers, section 816-b of the state labor law allows the city to require that its construction contractors have agreements with apprenticeship training programs approved by the commissioner of the department of labor. The adoption by the council of such a standard for construction contracts is of utmost importance for the city. The Council, with this local law, declares that it is the policy of the city to promote the health, welfare and safety of New Yorkers by improving the skills of workers on city construction projects.

§2. Title 6 of the Administrative Code of the City of New York is hereby amended by adding a new section 6-128 to read as follows:

6-128. Apprenticeship Training Programs Required. a. For purposes of this section, the following terms shall have the following meanings:

(1) "Agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(2) "Contractor" means an individual, sole proprietorship, partnership, joint venture or corporation or any other form of doing business.

(3) "Construction Contract" means any agreement with an agency valued at over one hundred thousand dollars and which involves the design, construction, reconstruction, demolition, improvement, rehabilitation, maintenance, repair, furnishing, finishing, equipping of or otherwise providing for any building, facility or physical structure of any kind.

b. No agency shall enter into a construction contract unless the contractor, and subcontractors with subcontracts valued at over one hundred thousand dollars, if any, certify that they currently have, and will

maintain for the term of the contract and any extensions thereof, apprenticeship agreements which such agency deems appropriate for the type and scope of work to be performed under such construction contract, and that have been registered with, and approved by, the New York state department of labor. Such certification shall be in writing and signed by an officer of the contractor and subcontractor. In determining the appropriateness of apprenticeship agreements, agencies may also consider the degree to which career opportunities may be provided through such agreements.

c. This section shall not apply:

(1) where the requirements of a construction contract that is essential to the city can only be fulfilled by a sole source as defined in section 321 of the charter, and such sole source is unwilling to comply with the requirements of this section; or

(2) where federal funding prohibits the city from imposing the requirements of this section; or

(3) to emergency procurements entered into pursuant to section three hundred fifteen of the charter.

§3. This local law shall take effect sixty days after its enactment provided that the City agencies affected, as well as the procurement policy board, may take any actions necessary to effectuate the provisions of this local law prior to its effective date.