

STATE OF NEW YORK

8454

IN SENATE

July 27, 2010

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed,
and
when printed to be committed to the Committee on Rules
AN ACT to amend the labor law and a chapter of the laws of 2010,
amend-
ing the labor law relating to prevailing wages for service workers,
as
proposed in legislative bills numbers S.8379-A and A.10257-D,
in
relation to applicability of certain provisions relating to such
wages
and the effective date of such chapter; and to repeal
certain
provisions of the labor law relating thereto

**The People of the State of New York, represented in Senate and
Assem-
bly, do enact as follows:**

1 Section 1. Subdivisions 1 and 2 of section 230 of the labor law,
as
2 amended by a chapter of the laws of 2010 amending the labor law
relating
3 to prevailing wages for service workers, as proposed in
legislative
4 bills numbers S.8379-A and A.10257-D, is amended to read as follows:
5 1. "Service employee" or "employee" means any person performing
jani-
6 torial, or security service work for a contractor, [~~other than a~~
~~busi-~~
7 ~~ness improvement district,~~] under contract with a public agency which
is
8 in excess of [~~ten~~ two] thousand dollars and the principal purpose
of
9 which is to furnish services through the use of service employees,
or
10 any other person performing work in connection with the care or
mainte-
11 nance of an existing building, or in connection with the
transportation
12 of office furniture or equipment to or from such building, or
in

13 connection with the transportation and delivery of fossil fuel to
such
14 building, for a contractor under a contract with a public agency
which
15 is in excess of [~~ten~~] two thousand dollars and the principal purpose
of
16 which is to furnish services through the use of service employees.
17 "Service employee" or "employee" includes, but is not limited,
to,
18 watchman, guard, doorman, building cleaner, porter, handyman,
janitor,
19 gardener, groundskeeper, stationary fireman, elevator operator and
star-
20 ter, window cleaner, and occupations relating to the collection
of
21 garbage or refuse, and to the transportation of office furniture
and
22 equipment, and to the transportation and delivery of fossil fuel
but
23 does not include clerical, sales, professional, technician and
related
24 occupations.

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets

[-] is old law to be omitted.

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S. 8454

2

1 "Service employee" or "employee" also does not include any employee
to
2 whom the provisions of articles eight and eight-A of this chapter
are
3 applicable.

4 2. "Service work" means work performed by a service employee, but
does
5 not include work performed for a contractor under a contract for
the
6 furnishing of services by radio, telephone, telegraph or cable
companies

7 or janitorial or security work performed on the premises owned or
oper-
8 ated by the power authority of the state of New York unless such
prem-
9 ises are jointly owned or operated with any non-governmental
public
10 utility or substantially-owned affiliated entity of such public
utility

11 as defined in subdivision three of this section. [~~"Service work"~~
~~shall~~

12 ~~also include work performed under a contract, with the exception~~
~~of a~~

13 ~~contract or subcontract in which a business improvement district is~~
~~a~~

14 ~~party, for the benefit of a public agency with any third party person~~
~~or~~

15 ~~entity acting in place of, on behalf of or for the benefit of~~
such

16 ~~public agency in the provision of building or property~~
management

17 ~~services or similar services pursuant to any lease or other~~
agreement

18 ~~between such third party person or entity and the public~~
agency

19 ~~provided, however, that "service work" shall not include work~~
performed

20 ~~under a lease or similar agreement in a privately owned building~~
where

21 ~~the space occupied by the public agency represents less than ten~~
thou-

22 ~~sand square feet.]~~

23 § 2. Subdivision 8 of section 231 of the labor law, as added by
a

24 chapter of the laws of 2010 amending the labor law relating to
prevail-

25 ing wages for service workers, as proposed in legislative bills
numbers

26 S.8379-A and A.10257-D, is REPEALED.

27 § 3. Section 10 of a chapter of the laws of 2010, amending the
labor

28 law relating to prevailing wages for service workers, as proposed
in

29 legislative bills numbers S.8379-A and A.10257-D, is amended to read
as

30 follows:

31 § 10. This act shall take effect on the ninetieth day after it
shall

32 have become a law, and shall apply to all contracts or other
agreements

33 entered into, renewed, or extended on or after such date; provided
that

34 payment of prevailing wages for work performed under a contract or
other

35 agreement made subject to prevailing wage requirements by this act
shall

36 not be required for work performed before July 1, 2011;
provided,

37 further however: (a) the amendments to subdivision 4 of section 230
of

38 the labor law made by section two of this act shall be subject to
the

39 expiration and reversion of such subdivision pursuant to section 5
of

40 chapter 678 of the laws of 2007, as amended, when upon such date
the

41 provisions of section four of this act shall take effect; and

42 (b) the amendments to subdivision 5 of section 231 of the labor
law

43 made by section three of this act shall be subject to the expiration
and

44 reversion of such subdivision pursuant to section 5 of chapter 678
of

45 the laws of 2007, as amended, when upon such date the provisions
of
46 section five of this act shall take effect.
47 § 4. This act shall take effect immediately; provided, however,
that
48 sections one and two of this act shall take effect on the same date
and
49 in the same manner as a chapter of the laws of 2010 amending the
labor
50 law relating to prevailing wages for service workers, as proposed
in
51 legislative bills numbers S.8379-A and A.10257-D, takes effect.