

Introduced by: Legislators Toback, Schmidt, Jacobs, Altmann, Becker, Ciotti, Corbin, Denenberg, Dunne, Gonsalves, Johnson, Mangano, Muellers, Muscarella, Nicoletto, Pontillo, Scannell, and Zapson.

LOCAL LAW NO. 9 - 2002

A LOCAL LAW TO REQUIRE APPRENTICESHIP TRAINING PROGRAMS FOR COUNTY CONTRACTS.

(Became a local law on August 8, 2002 with the approval of the County Executive)

Passed by the Nassau County Legislature on August 5, 2002
Voting: ayes 18, nays 0, abstained 0

WHEREAS, the County Legislature finds that the current State law does not compel any governmental entity that is a party to a construction contract to require that any contractors or subcontractors participate in apprenticeship training programs approved by the State Commissioner of Labor; and there is a long and productive history of partnership between labor and management for the training of skilled craft workers in our State which began over fifty (50) years ago when the U.S. Congress passed the Fitzgerald Act (29 USC Section 50) to encourage States to develop apprenticeship training programs.

The New York State Legislature adopted Article 23 of the NEW YORK LABOR LAW in 1961 to authorize the State Commissioner of Labor to develop standards for apprenticeship training and a process for certifying programs which meet said standards; and the promotion of apprenticeship training programs will expand the pool of skilled workers in Nassau County by providing many residents the means to earn a decent living thereby fostering the local and regional economies. Now, therefore,

BE IT ENACTED by the Nassau County Legislature of the County of Nassau as follows:

Section 1. A new Title 51 is hereby added to the Miscellaneous Laws of Nassau County in relation to County contracts as follows:

FORM APPROVED

MAJORITY COUNSEL

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TITLE 51

APPRENTICESHIP TRAINING PROGRAMS FOR COUNTY CONTRACTS.

Section 1. Legislative Intent.

Section 2. Definitions.

Section 3. Requirements and Exceptions.

Section 4. Enforcement.

Section 5. Severability.

Section 6. Applicability

1. Legislative intent and purpose.

The County of Nassau hereby establishes a policy to promote apprenticeship training as authorized by Section 816-b of the NEW YORK LABOR LAW.

2. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

A). "Construction contract" shall mean any contract to which the County of Nassau shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility of physical structure of any kind with a value in excess of \$500,000.

B). "Contractor or subcontractor" shall mean a contractor or subcontractor which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the NEW YORK LABOR LAW.

3. Requirements and Exceptions.

A). The County of Nassau hereby requires any contractor, prior to entering into a construction contract with the County of Nassau, or any subcontractor entering into a contract with a contractor who has a construction contract with the County of Nassau, to have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by the New York State Commissioner of Labor in accordance with Article 23 of the NEW YORK LABOR

LAW, anything in Section 103 of the NEW YORK GENERAL MUNICIPAL LAW to the contrary notwithstanding.

B). A subcontractor who is entitled to receive less than \$100,000 from a construction contract is exempt from having an apprenticeship program.

4. Enforcement.

The County Department of Public Works is hereby authorized, empowered and directed to promulgate such rules and regulations that are lawful, necessary and appropriate for the implementation and enforcement of any provisions of this local law.

5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this local law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

6. Applicability.

This local law shall apply to construction contracts advertised for bids on or after the effective date.

Section 2. This local law shall take effect January 1, 2003.

APPROVED: AUG 08 2002



NASSAU COUNTY LEGISLATURE
MEMORANDUM IN SUPPORT OF LEGISLATION

BILL NUMBER: LEG # -02

SPONSOR: Legislators Toback, Schmidt, Jacobs, Altmann, Becker, Ciotti, Corbin, Denenberg, Dunne, Gonsalves, Johnson, Mangano, Muellers, Muscarella, Nicoletto, Pontillo, Scannell, Williams, and Zapson.

TITLE OF BILL: A LOCAL LAW requiring apprenticeship training programs for County contracts.

PURPOSE OF BILL: The promotion of apprenticeship programs will expand the pool of skilled workers in Nassau county by providing many residents the means to earn a decent living thereby fostering the local and regional economies.

SUMMARY OF PROVISIONS:

Sec 1. Findings and purpose.

Sec 2. Definitions.

Sec 3. Requirements and Exceptions. Requires any contractor, prior to entering into contracts with the County in excess of \$250,000, or any subcontractor entering into a contract in excess of \$50,000 with a contractor who has a construction contract with the County of Nassau, to have appropriate apprenticeship agreements with, and approved by, the State of New York.

Sec 4. Enforcement. The County Department of Public Works shall promulgate the necessary rules and regulations to enforce this local law.

Sec 5. Severability.

Sec 6. Applicability. This local law takes effect ninety (90) days after approval.

JUSTIFICATION: To expand the pool of skilled workers in Nassau County, thereby stimulating the local and regional economies.

PRIOR HISTORY: None

EFFECTIVE DATE: Immediately.