

Submitted by the County Executive and Introduced by Presiding Officer Norma L. Gonsalves, Deputy Presiding Officer Richard Nicoletto, Alt. Presiding Officer Howard Kopel and Legislators Denise Ford, Francis X. Becker, Vincent T. Muscarella, James Kennedy, Laura Schaefer, Dennis Dunne Sr., Rose Walker, Donald Mac Kenzie and Steven Rhoads.

LOCAL LAW NO. 3 -2015

A LOCAL LAW TO AMEND THE MISCELLANEOUS LAWS OF NASSAU COUNTY WITH RESPECT TO APPRENTICESHIP TRAINING PROGRAMS FOR COUNTY CONTRACTS

Passed by the Nassau County Legislature on June 15, 2015
Voting: ayes: 19 nays: 0 abstained: 0

Became a law on June 19, 2015 with the approval of the County Executive.

APPROVED AS TO FORM
[Signature]
Deputy County Attorney

WHEREAS, apprenticeship training programs help develop skilled craftsman to meet the increasing need for such workers in the labor force; and

WHEREAS, properly trained and educated workers also help promote safety in the workplace; and

WHEREAS, it is the public policy of the State of New York to encourage industry and labor institute apprenticeship training programs, as evidenced by the U.S. Congress passing of the Fitzgerald Act (29 USC Section 50), which encourages States to develop apprenticeship training programs; and

WHEREAS, the State, by adopting Article 23 of the NEW YORK LABOR LAW in 1961, has further authorized local governments to implement apprenticeship training program requirements in their construction contracts; and

WHEREAS, Local Law 9-2002 established Nassau County's Apprenticeship Training Programs for County Contracts; and

WHEREAS, a basic, underlying goal of any legitimate apprenticeship training program is to progress apprentices through the program until journeyman status is achieved and the employees have obtained the skills they need to pursue satisfying careers in the trades they have chosen; and

WHEREAS, the County Legislature finds that the current Local or State law does not compel any governmental entity that is a party to a construction contract to require that any of the apprentices actually graduate from such apprenticeship programs; and

WHEREAS, the County's apprenticeship law needs to be refined to ensure that the public policy goals underlying apprenticeship program requirements are advanced; therefore

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

Section 1. Title 51 of the Miscellaneous Laws of Nassau County as enacted by Local Law No. 9-2002 is amended to read as follows:

Title 51.

APPRENTICESHIP TRAINING PROGRAMS FOR COUNTY CONTRACTS

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| Section | 1. | Legislative Intent. |
| | 2. | Definitions. |
| | 3. | Requirements and Exceptions. |
| | 4. | Enforcement. |
| | 5. | Severability. |
| | 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. “Certificate of Completion” shall mean a certificate issued by the New York State Department of Labor which recognizes an employee’s successful completion of an apprenticeship program.

[A.] B. 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 or physical structure of any kind with a value in excess of \$500,000.

[B.] C. “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.

D. “Sponsor” shall mean any organization or entity operating an apprenticeship program with the New York State Department of Labor and in whose name the program is registered.

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, as evidenced by valid Certificates of Completion which are specifically identified as pertaining to the trade(s) and/or job title(s) called for within the construction contract, anything in Section 103 of the NEW YORK GENERAL MUNICIPAL LAW to the contrary notwithstanding.

B. Prior to entering into a construction agreement with the County of Nassau, a contractor must submit to the County, Certificates of Completion showing that they, or their sponsor, graduated at least one apprentice from a state approved and registered apprenticeship program, in the trade and/or job title called for within the construction contract, within a time period immediately preceding the bid date of such project, the length of said time period to be calculated by adding twenty-four months to the specific trade's program length as set forth in the New York State Prevailing Wage Schedule, subject to the exception found in paragraph (H) of this section. If a contractor is a signatory to a sponsor, the contractor must submit to the County a letter from the sponsor verifying its signatory status.

C. It shall be a contractor's responsibility to submit the required Certificates of Completion as part of any bid submitted in connection with a construction contract and to provide to the County department or agency administering the construction contract the identity of apprentices who have graduated from their apprenticeship program.

D. If a contractor utilizes a subcontractor on a construction contract, the contractor shall submit Certificates of Completion showing that the subcontractor or the subcontractor's sponsor graduated at least one apprentice from a state approved and registered apprenticeship program, in the trade and/or job title called for within the

construction contract, within a time period immediately preceding the bid date of such project, the length of said time period to be calculated by adding twenty-four months to the specific trade's program length as set forth in the New York State Prevailing Wage Schedule, subject to the exception found in paragraph (H) of this section. The contractor must submit these certificates at a time designated by the department or agency administering the construction contract, but in any event, these forms must be received by the County prior to a subcontractor beginning work under the contract. If the subcontractor is a signatory to a sponsor, the contractor must submit to the County a letter from the sponsor verifying the signatory status.

E. It shall be the responsibility of the County department or agency administering a construction contract to verify that a contractor or subcontractor is a participant in a state approved and registered apprenticeship program and to include the submitted Certificates of Completion as an attachment to the final contract, work order or other document memorializing the award of work to the contractor.

F. It shall be the responsibility of the County department or agency administering a construction contract to designate an individual within that department or agency who shall be responsible for specifically identifying within a construction contract the trade(s) and/or job title(s) necessary to perform the construction contract and verifying the validity of Certificates of Completion and including same as an attachment to the final contract, work order or other document memorializing the award of work to the contractor or subcontractor.

G. In the event a County department or agency other than the Department of Public Works is administering a construction contract, that department or agency shall notify the Department of Public Works of said contract and the Department of Public Works will

assist the department or agency to achieve compliance with the apprenticeship requirements set forth in this chapter.

H. For the purposes of this title only, the length of program for the trade of laborer shall be two years.

[B.] I. 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 amended local law shall apply to construction contracts advertised for bids on or after the effective date.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(20)

and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This local law shall take effect immediately.

APPROVED



County Executive

DATE June 19, 2015