



WE ARE YOUR DOL



Department
of Labor

BUREAU OF PUBLIC WORK

A Guide For Employers - Article 8

ARTICLE 8

The Bureau of Public Work is responsible for the administration of Article 8 of the NYS Labor Law. This is commonly known as the prevailing wage law 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 Article 8 to apply.

The prevailing wages are determined by the Commissioner of Labor and published annually, effective July 1st to the following June 30th. Wage schedules are issued on a county by county basis and contain wage rates for each work classification.

WAGES

- Article 8 requires employers to pay workers not less than the prevailing rate and supplemental benefits for the occupation at which they are working
- 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
- Apprentice rates may only be used when employees are part of a program registered with the NYS Commissioner of Labor
- Employers are required provide written notification to all workers of the hourly prevailing wage and supplemental rate(s) with every pay stub

SUPPLEMENTAL BENEFITS

Supplemental Benefits (fringe benefits) can be provided to workers as:

- Cash payments
- Irrevocable contributions to a fund, plan or program (such as retirement or health benefits)
- A combination of the above

HOURS

Employees may not work more than eight hours a day or five days in a week unless an extraordinary circumstance occurs requiring overtime. The employer and contracting agency may then apply for permission to work additional days or hours through a Dispensation of Hours (PW30).

PRIME CONTRACTOR RESPONSIBILITIES

- Supply a copy of the projects wage schedule to all subcontractors
- Obtain a verified statement the schedule was received by their sub
- Submit the statement to the contracting agency

PAYROLL RECORDS

Employers are required to submit certified payroll records to the contracting agency for each week worked. The employer's submission of these records to the contracting agency is a condition of payment. The employer must keep original certified payroll records for not less than six years (Per Art. 6, Sect 195 (4) of NYS Labor Law).

The records must show:

- The employees name, address and last four digit of their Social Security Number
- The hours and days worked by each worker
- The occupation(s) or classification(s) employees worked
- The hourly wage(s) and supplements paid or provided

OSHA 10 TRAINING

Employers must ensure all workers on a Public Work contract over \$250,000 are certified as completing at least an OSHA 10-hour safety course. Copy of this proof must be submitted to the contracting agency. Once an individual has completed the course and hold proof of it, New York State does not require renewal. Note the NYC Comptroller has different requirements including a renewal every five years.

REQUIRED POSTINGS

Employers are required to display the following on all Public Work Projects:

- Prevailing Wage Rate Schedule
- Public Work Poster
- Fair Play Act Poster
- Unemployment Insurance Poster
- Dispensation of Hours Poster (when applicable)
- Workers Compensation Poster
- Disability Benefits Poster

BUREAU OF PUBLIC WORK DISTRICT OFFICES

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