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

CONTRACTOR REGISTRATION

All contractors and subcontractors submitting bids or performing construction work on public work projects or private projects covered by Article 8 of the Labor Law are required to register with the New York State Department of Labor (NYSDOL) under Labor Law Section 220-i.

Private projects subject to Article 8 of the Labor Law include those covered by Labor Law Sections 224-a (public subsidy funded projects), 224-d (renewable energy systems), 224-e (broadband projects), 224-f (climate risk-related and energy transition projects, and roadway excavations.)

For more information and links to the system visit:
https://dol.ny.gov/public-work-contractor-and-subcontractor-registry-landing

ELECTRONIC PAYROLL RECORDS

Employers are now required to submit certified payroll records directly to the Department for each week worked via the electronic certified payroll reporting system. The employer's submission of certified payrolls 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 submissions must include:

- 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

For more information and links to the system visit:
https://dol.ny.gov/Electronic-Payroll

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

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

Employers are subject to fines for failure to display these postings in a prominent place.

Copies of required postings can be found at: https://dol.ny.gov/public-work-and-prevailing-wage-enforcement-required-postings

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ALBANY

State Office Campus
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207 Genesee Street, Room 603B
Utica, NY 13501
Tel. **315-793-2314**

WHITE PLAINS

120 Bloomingdale Road
Room 204
White Plains, NY 10605
Tel. **914-997-9507**

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Auxiliary aides and services are available upon request and free of charge to individuals with disabilities TTY/TDD 711 or 1-800-662-1220 (English) / 1-877-662-4886.