

**WHEREAS**, New York State and its various subdivisions and agencies routinely provide billions of dollars in government financing (through grants, loans, bonds, lease-backs, tax abatements, or other financing or subsidy) to private entities for construction projects which may ultimately be owned and/or operated by said entities (referred to herein as “public-private partnerships”);

**WHEREAS**, the Courts of the State of New York have held that construction projects performed by said “public-private partnerships” are excluded from the requirements of the New York State Prevailing Wage & Benefits Law (Labor Law Section 220) as they do not constitute contracts for “public works;”

**WHEREAS**, the tax payers of the State of New York should be assured that ALL public works, including construction project performed by public-private partnerships, be executed by construction workers with appropriate trade and safety training in order to ensure and promote better quality construction work, public and worker safety and the continued existence of a trained construction trade workforce.

**WHEREAS**, the presence of a vast pool of untrained, “off-the-books” construction workers undermines collectively bargained wages, benefits and training structures for “on-the-books” workers and causes incalculable harm to the quality of life in New York by: a) reducing tax revenue; b) increasing the number of workers without health insurance; c) increasing the number of workers that go unreported to the worker’s compensation system; d) reducing the number of trained tradesmen in our workforce and decreasing the incentives to receive such training; and e) undermining the public’s right to safe, sound and reliable construction work;

**WHEREAS**, the current system of public contracting rewards those unscrupulous contractors who exploit the “off-the-books” workers by awarding public contracts to the lowest qualified bidder with only little regard to the enforcement of labor standards such as the existing requirements to pay prevailing wages and benefits under Labor Law Section 220;

**WHEREAS**, the exclusion of public-private partnerships from the existing labor standards of the public contracting system leads to a government funded, no-holdsbarred exploitation of “off-the-books” workers that, in the short term, will destroy the livelihoods of both middle class construction tradesmen and law-abiding contractors to the great advantage of unscrupulous contractors and, in the long term, will increase social costs born by the public as a whole, undermine public confidence in safe, sound and reliable construction work and cripple the availability of a trained construction workforce in our State.

**WHEREAS**, only workers trained and certified by state certified apprentice training programs have the skills necessary to command the wages and benefits available under Labor Law Section 220;

**IT IS HEREBY RESOLVED:** New York State Building and Construction Trades Council endorses the following amendments to New York Labor Law<sup>1</sup>: 1) With respect to New York Labor Law Section 220, to require the payment of prevailing wages and benefits for all government agreements with third party entities wherein the government provides financing through grants, loans, bonds, lease-backs, tax abatements, or other financing or subsidy or other assistance.; and 2) With respect to New York Labor Law Section 816-b, to require apprenticeship training participation for all contractors engaged on ALL public works projects including, but not limited to, government agreements with third parties entities wherein the government provides financing through grants, loans, bonds, leasebacks, tax abatements, or other financing or subsidy or other assistance.

<sup>1</sup> Based upon the New York Conference of Bricklayers and Allied Craftworkers Spring 2007 Legislative Agenda.