



LEGISLATIVE UPDATE

December 2021

2021 NYS Legislative Session Bills Relating to Electrical Construction Signed into Law and Awaiting Action by Governor

Every session of the Legislature is different. The 2021 session of the legislature was notable for being held remotely. The Capitol remained closed for the entire period from January to the end of the regular session in early June. It was very difficult to lobby since there were no in person meetings and you could not interact with members and staff other than through phone calls, texts, emails and zooms which are not ideal. Even though sessions were closed to the public, 894 bills passed both houses as compared to 414 in 2020.

Several bills that we are interested in have passed both houses and have been acted upon by the Governor.

A2202- Chapter 499 of the Laws of 2021

Amends the general business law, to require contractors and subcontractors to disclose the existence of property and casualty insurance in writing along with the contact information of the insurance company before doing any work on a home. Effective 4/23/22.

A2681B- Chapter 105 of the Laws of 2021

This bill requires the department of labor to create model workplace airborne infectious disease safety and health standards. Employers can either follow the model standards or develop their own safety and health standards in line with the model. Additionally, the bill requires employers to allow for the creation of workplace safety and health committees and remedies for violations. Effective 11/1/21.

A3350-Chapter 419 of the Laws of 2021

Requires that a construction contractor assume liability for any unpaid wages, benefits, damages, attorney fees related to a civil or administrative action by a wage claimant or the Department of Labor against a subcontractor of such contractor. Effective 1/4/22.

A3354B-Chapter 77 of the Laws of 2021

Adds provisions to the labor law to provide up to four hours of paid leave per injection to private employees to receive the COVID-19 vaccine. May be waived by a collective bargaining agreement, provided that for such waiver to be valid, it shall explicitly reference this section of law. Effective 3/12/21 and expires 12/31/22.

S858- Chapter 397 of the Laws of 2021

Clarifies the current wage theft statute to provide that there is no exception to liability under Sections 193 or 198 of the Labor Law for failure to pay wages, benefits, or wage supplements. Effective 8/19/21.

S880-Chapter 128 of the Laws of 2021

Amends the underlying Substantial Completion law by removing the definition of substantial completion, and instead allowing public owner contracts to retain their distinct definitions of substantial completion to allow industry flexibility. Effective 12/15/20.

S1042A-Chapter 277 of the Laws of 2021

Amends the labor law, in relation to the calculation of weekly employment insurance benefits for workers who are partially unemployed to ensure that partially unemployed workers have meaningful access to unemployment insurance benefits. Effective 8/15/21 with caveats.

S4394A-Chapter 522 of the Laws of 2021

Expands the state whistleblower statute to provide protection to employees and former employees from retaliatory actions by employers for the reporting of illegal or dangerous business activities. Effective 1/26/22.

A430- Chapter 583 of the Laws of 2021

Requires prior written notice upon hiring to all employees, informing them of the types of electronic monitoring which may occur; provides employers shall also post the notice of electronic monitoring.
Effective date 05/07/2022.

S1197- Chapter 21 of the Laws of 2021

Prohibits the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges. Effective 1/28/21.

A4913 – Chapter 662 of the Laws of 2021

The bill requires the disclosure of an incumbent of a procurement contract in the procurement opportunities newsletter published by the Commissioner of Economic Development. Under current law, there is no requirement for the contracting agency to disclose the identity of an incumbent of a contract in the procurement opportunities newsletter. This bill would increase transparency in the procurement process by providing information on the current vendor. Effective the 90th day after (12/10/21) becoming law.

There are also several bills which passed both Houses that have yet to be sent to the Governor for her consideration. Most important of which is:

S4323C

Establishes a construction industry advisory council on public contracting reform to consider and advise on matters concerning the improvement of the current public works contracting process. The council will be comprised of representatives of the various construction industry segments and will report within one year on issues relating to the public contracting process, with a sole focus on the following subject matters:

- a. Damages incurred by contractors, subcontractors, and other parties due to delay in payments by public project owners or managers,
- b. Substantial completion as it is defined in subdivision 1 of section 139-f of the state finance law,
- c. Public works contracting issues affecting minority and women contractors and subcontractors, and
- d. Retainage in public works contracts.

Effective immediately.

S1215

Assists contractors in identifying minority group members and women who are participating in apprenticeship agreements to increase the diversity in the workforce of the construction industry while working with the Industrial Commissioner and the Director of the Division of Minority and Women-Owned Businesses Development to help increase access to minority and women workers. Effective on the 60th day after becoming law.

S255B

Requires prevailing wage to be paid for work performed on a public works project for any work involving the delivery to and hauling of aggregate supply construction materials, as well as any return hauls, whether empty or loaded and any time spent loading/unloading. Effective immediately to contracts entered into after such date.

These bills are all expected to be delivered within the next few weeks after which the Governor has ten days to sign or veto.
