



LABOR & EMPLOYMENT PRACTICE GROUP

Meltzer Lippe is home to a large, experienced Labor and Employment Law Practice Group.

We are an integral component to the human resource chain and the first stop before taking action that impacts the employee – employer relationship.

CONSTRUCTION PRACTICE GROUP

The attorneys in Meltzer Lippe's Construction Law Practice Group represent clients in all aspects of both private and public construction projects including contract negotiations, responding to, resolving and litigating claims and disputes during the project.

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STATE LEGISLATURE PASSES BILL REQUIRING CONTRACTORS AND SUBCONTRACTORS TO REGISTER WITH THE NEW YORK STATE DEPARTMENT OF LABOR

Effective December 30, 2024, contractors and subcontractors in New York City who are submitting bids or performing construction work on public projects and certain private projects must provide a copy of their Certificate of Registration from the New York State Department of Labor (DOL). Aimed at ensuring contractors and subcontractors are complying with all labor laws, including prevailing wage requirements, Section 220-i of the New York Labor Law (the “Labor Law”) requires contractors and subcontractors to submit application materials to the DOL’s Contractor Registry Portal, located on the department’s website, along with a \$200 non-refundable application fee. If the Commissioner determines a contractor or subcontractor to be fit¹ it will issue a Certificate of Registration which is valid for two calendar years from the date of registration.²

New Section 220-i comes with a few important considerations:

- It relates to “public work projects” and specific private projects³ subject to the provisions of Article 8 of the Labor Law. Article 9 of the Labor Law discusses building services work, which is not covered by Section 220-i. There is a subtle, but significant, distinction between removing debris from a residential building, which is covered by Article 9 of the Labor Law and therefore is exempt from the new Section 220-i, and demolition removal from a construction site, which is covered by Article 8 of the Labor Law.
- It defines a “contractor” as an entity entering into a contract to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication, which is subject to Article 8 of the Labor Law. “Subcontractor” is defined as any entity subcontracting with a contractor to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication, which is subject to Article 8 of the Labor Law.

[1] The commissioner shall, before making a determination of unfitness, notify the contractor or subcontractor in writing of the reasons for such proposed determination and afford the contractor or subcontractor an opportunity to cure or be heard prior to the determination.

[2] Upon the expiration of the certificate, contractors and subcontractors must renew “not less than ninety (90) days before the date of expiration.”

[3] These private projects involve, among others, public subsidy-funded projects, renewable energy systems projects, and roadway projects.



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- It outlines the minimum required information that a registering contractor or subcontractor must provide within their application to be considered for a certificate of registration. This information includes, but is not limited to: (1) whether the contractor or subcontractor has outstanding wage assessments against it; (2) whether the contractor or subcontractor has been debarred under New York or federal law within the past eight years; (3) whether the contractor or subcontractor has been finally determined to have violated any labor laws or employment tax laws, including, but not limited to, the requirement to have workers’ compensation coverage, payment of workers’ compensation premiums, deduction and payment of income taxes, payment of unemployment insurance contributions or payment of prevailing wage; and (4) documentation must be provided to the DOL demonstrating the contractor or subcontractor has workers’ compensation insurance coverage for all workers as required by law.
- No contractor shall bid on a contract for public work unless such contractor is registered pursuant to Section 220-i. Contractors and subcontractors who fail to register in accordance with Section 220-i will be subject to a fine of up to \$1,000. This penalty will likewise extend to owners, developers, and contractors who hire a contractor or subcontractor to work on a covered project and know, or should know, that the contractor or subcontractor is not registered.

Meltzer Lippe is well versed in legislative developments related to construction laws. Owners, general contractors, and subcontractors need a trusted advocate to help ensure compliance with the new Section 220-i. For more information, please do not hesitate to contact an attorney in Meltzer Lippe’s Construction Practice Group at mfrade@meltzerlippe.com, or an attorney in Meltzer Lippe’s Labor and Employment Practice Group at jfarrell@meltzerlippe.com.