

RESOLUTION NO. 251

REQUIRING CONTRACTORS AND SUBCONTRACTORS ON COUNTY OF ALBANY CONSTRUCTION PROJECTS OF \$50,000 OR MORE TO PROVIDE APPRENTICESHIP TRAINING PROGRAMS

Introduced: 6/13/11

By Messrs. Clenahan and Joyce:

WHEREAS, Current New York State law does not compel any governmental entity that is party to a construction contract to require that any contractors or subcontractors participate in apprenticeship training programs approved by the State Commissioner of Labor, and

WHEREAS, There is a long and productive history of partnership between labor and management for the training of skilled craft workers in New York State, and

WHEREAS, The promotion of apprenticeship training programs expands the pool of skilled workers by providing many residents the means to earn a decent living and creates opportunities for local residents, thereby fostering the local and regional economy, and

WHEREAS, Section 816-b of the New York State Labor Law authorizes counties and other government entities to require contractors and subcontractors on public construction projects to provide apprenticeship training programs, and

WHEREAS, It is the belief of this Legislature that these apprenticeship programs are a valuable tool to provide training opportunities for young people in the skilled construction trades and help them secure a promising future, and

WHEREAS, It is in the best interest of Albany County to afford opportunities for training in the appropriate building trades on County of Albany construction projects and more under the provisions of Section 816-b of New York State Labor Law, and

WHEREAS, In 2003 this Legislature passed Resolution No. 70 requiring contractors and subcontractors of County construction projects of \$250,000.00 or more to have in place agreements providing appropriate apprenticeship training programs approved by the Commissioner of the Department of Labor for the type and scope of work to be performed before the contracts are let, now, therefore be it

RESOLVED, That Albany County hereby re-establishes and clarifies its policy to promote apprenticeship training as authorized by Section 816-b of the New York State Labor Law, and, be it further

RESOLVED, The term “construction contract” shall mean any contract to which the County shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition, or otherwise providing for any building, facility or physical structure of any kind with an aggregate value (which shall mean the total cost of all contracts of the project) in excess of \$50,000.00, and, be it further

RESOLVED, The terms “contractor or subcontractor” shall mean a contractor or subcontractor of any tier which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law, and, be it further

RESOLVED, That Albany County hereby requires any contractor, at the time of bid date and prior to entering into a construction contract with Albany County, or any subcontractor, at the time of bid date and prior to entering into a contract with a contractor who has a construction contract with Albany County, to have apprenticeship agreements traditionally and historically appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor for a minimum period of two (2) years and which, have graduated at least one (1) apprentice in said period, and, be it further

RESOLVED, That any contract with Albany County entered into by a contractor or subcontractor who is party to any contract which in the sole discretion of Albany County is deemed not to be in compliance with this resolution shall immediately be null and void, and, be it further

RESOLVED, That Albany County shall promulgate such rules and regulations as necessary and appropriate for the implementation and enforcement of any provisions of this resolution, and, be it further

RESOLVED, That this Resolution shall apply to construction contracts advertised for bids on or after the effective date, and, be it further

RESOLVED, That if any clause, sentence, paragraph, subdivision, section or part of the resolution or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be

confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this resolution, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance, directly involved in the controversy in which such judgment or order shall be rendered, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Audit and Finance Committee. 6/13/11