

S.255-A (Mayer)

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BILL S.255-A (Mayer)
SUBJECT Requires Payment of Prevailing Wage on Public Works Projects for Work Involving the Hauling and Delivery of Aggregate Supply Construction Materials
DATE March 16, 2021
OPPOSE

The Business Council of New York State, the state's leading statewide business and industry association, opposes this legislation that would amend the Labor Law to mandate payment of prevailing wage on public works projects for work involving the hauling and delivery of aggregate supply construction materials.

This bill would mandate prevailing wage be applied to the delivery and hauling of aggregate construction materials on construction sites under §220 of the Labor Law. We have consistently opposed the inclusion of hauling/delivery in past proposals to expand the scope of prevailing wage for a number of reasons.

Since the bill requires prevailing wage for aggregate supply deliveries and time spent loading and unloading, the bill will create a logistical nightmare for haulers and those who deliver construction materials. The very nature of this work implies split loads or deliveries of materials to multiple sites from the same trucks. The deliveries can originate in-state or out of state, as well as multiple job sites. This would create all sorts of bookkeeping and logistical problems exacerbating operations. Further, the bill does not limit the payment of prevailing wage to hours spent delivery load to works sites, but also "return hauls, whether empty or loaded."

We believe this system may create legal problems under federal Davis-Bacon rules governing rates of pay for specific sites. The increased costs would also bode ill for smaller companies, and MWBE entrants into the markets who must now balance high-cost prevailing wage mandates with complicated bookkeeping requirements that vary from job site to job site. This mandate once again risks increasing the cost of doing business in New York State as construction businesses struggle to open, or remain open, in an economy suffering due to the ongoing COVID-19 pandemic.

For the above reasons, The Business Council opposes this legislation.