

RESOLUTION NO. 21 -2015, STRENGTHENING APPRENTICESHIP TRAINING REQUIREMENTS

WHEREAS, apprenticeship training programs help develop skilled craftsmen to meet the increasing need for such workers in the labor force; and

WHEREAS, properly trained and educated workers also help promote safety in the workplace; and

WHEREAS, it is the public policy of the State of New York to encourage industry and labor to institute apprenticeship training programs and the State has further authorized local governments to implement apprenticeship training program requirements in their construction contracts; and

WHEREAS, Resolution No. 190-2002 established Suffolk County's Apprenticeship Training Program; and

WHEREAS, Resolution No. 190-2002, now codified at 869 of the SUFFOLK COUNTY CODE, requires contractors and subcontractors to have apprenticeship agreements in place before they may bid and obtain a County construction contract; and

WHEREAS, a basic, underlying goal of any legitimate apprenticeship training program is to progress apprentices through the program until journeyman status is achieved and the employees have obtained the skills they need to pursue satisfying careers in the trades they have chosen; and

WHEREAS, the County's apprenticeship law needs to be strengthened to ensure that the public policy goals underlying apprenticeship program requirements are satisfied; now, therefore be it

1st RESOLVED, that Section 869-2 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 869:
APPRENTICESHIP TRAINING**

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§ 869-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CERTIFICATE OF COMPLETION

A certificate issued by the New York State Department of Labor which recognizes an employee's successful completion of an apprenticeship program.

CONSTRUCTION CONTRACT

Any contract to which the County of Suffolk or any of its departments or agencies shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition of, or otherwise providing for any building, facility or physical structure of any kind with a value in excess of \$250,000 [and up to \$3,000,000].

CONTRACTOR or SUBCONTRACTOR

A contractor or subcontractor 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 Labor Law].

SPONSOR

Any organization or entity operating an apprenticeship program registered with the New York State Department of Labor and in whose name the program is registered.

2nd **RESOLVED**, that Section 869-3 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 869-3. Apprenticeship [agreements required] requirements.

- A. The County of Suffolk hereby requires any contractor or subcontractor[, prior to entering into a construction contract with the County of Suffolk,] who is a party to, or working under, a construction contract, to be a participant in good standing of a qualified apprenticeship program that is registered with and approved by the New York State Department of Labor and to have apprenticeship agreements, as evidenced by valid Certificates of Completion which are specifically identified as pertaining to the trade(s) and/or job titles(s) called for within the construction contract [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 in accordance with Article 23 of the New York Labor Law, anything in § 103 of the New York General Municipal Law to the contrary notwithstanding].
- B. Prior to entering into a construction agreement with the County of Suffolk, a contractor must submit to the County, Certificates of Completion showing that they, or their sponsor, graduated at least one apprentice from a state approved and registered apprenticeship program, in the trade and/or job title called for within the construction contract, within a time period immediately preceding the bid date of such project, the length of said time period to be calculated by adding twenty-four months to the specific trade's program length as set forth in the New York State Prevailing Wage Schedule, subject to the exception found in paragraph (H) of this section. If a contractor is a signatory to a sponsor, the contractor must submit to the County a letter from the sponsor verifying its signatory status.
- C. It shall be a contractor's responsibility to submit the required Certificates of Completion as part of any bid submitted in connection with a construction contract and to provide to the County department or agency administering the construction contract the identity of apprentices who have graduated from their apprenticeship program.

- D. If a contractor utilizes a subcontractor on a construction contract, the contractor shall submit Certificates of Completion showing that the subcontractor or the subcontractor's sponsor graduated at least one apprentice from a state approved and registered apprenticeship program, in the trade and/or job title called for within the construction contract, within a time period immediately preceding the bid date of such project, the length of said time period to be calculated by adding twenty-four months to the specific trade's program length as set forth in the New York State Prevailing Wage Schedule, subject to the exception found in paragraph (H) of this section. The contractor must submit these certificates at a time designated by the department or agency administering the construction contract, but in any event, these forms must be received by the County prior to a subcontractor beginning work under the contract. If the subcontractor is a signatory to a sponsor, the contractor must submit to the County a letter from the sponsor verifying the signatory status.
- E. It shall be the responsibility of the County department or agency administering a construction contract to verify that a contractor or subcontractor is a participant in a state approved and registered apprenticeship program and to include the submitted Certificates of Completion as an attachment to the final contract, work order or other document memorializing the award of work to the contractor.
- F. It shall be the responsibility of the County department or agency administering a construction contract to designate an individual within that department or agency who shall be responsible for specifically identifying within a construction contract the trade(s) and/or job title(s) necessary to perform the construction contract and verifying the validity of Certificates of Completion and including same as an attachment to the final contract, work order or other document memorializing the award of work to the contractor or subcontractor.
- G. In the event a County department or agency other than the Department of Public Works is administering a construction contract, that department or agency shall notify the Department of Public Works of said contract and the Department of Public Works will assist the department or agency to achieve compliance with the apprenticeship requirements set forth in this chapter.
- H. For the purposes of this chapter only, the length of program for the trade of laborer shall be two years.

and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

[] Brackets denote deletion of language.

___ Underlining denotes addition of new language.

DATED: February 3, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: February 19, 2015