

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2017**

**A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE  
ENTITLED “GOVERNMENTAL OPERATIONS”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead as follows:

**Section 1. Legislative Intent.**

The Board finds that apprenticeship training programs provide workers with skills required to assure the safe construction and improvement of facilities throughout the Town. As such, the Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 24 of the Town Code entitled “Governmental Operations” in order to require that, with respect to construction contracts in excess of \$500,000, contractors and subcontractors shall have in place apprenticeship training agreements 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 as evidenced by valid Certificates of Completion evidencing that apprentices have graduated from such programs.

**Section 2.**

Chapter 24 of the Town Code is hereby amended as follows:

**§ 24-59 Apprenticeship Training.**

**§ 24-59.1 Definitions.**

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

**CERTIFICATE OF COMPLETION**

**A certificate issued by the DOL, which recognizes an individual’s successful completion of a state-approved and state-registered apprenticeship program in any trade and job title necessary for the performance of the construction contract. The certificate shall evidence that the successful completion occurred within the program time period.**

**CONSTRUCTION CONTRACT**

**Any contract for the construction, reconstruction, improvement, rehabilitation, alteration, renovation, or demolition of any building, facility or physical structure of any kind to which the Town of North Hempstead or any of its departments or agencies is a signatory with a value in excess of \$500,000.**

## CONTRACTOR OR SUBCONTRACTOR

A contractor or subcontractor who employs labor under a construction contract.

## DOL

The New York State Department of Labor.

## PROGRAM TIME PERIOD

The period of time equal to twenty-four (24) months plus the apprenticeship program's length as established by the DOL for the specific trade referenced in the certificate of completion, measured retroactively from the date of the bid opening for the construction contract. For purposes of this definition, the program time period for the trade of laborer shall be twenty-four (24) months.

## SPONSOR

Any organization or entity operating an apprenticeship program registered with the DOL and in whose name the program is registered.

## TOWN

The Town of North Hempstead.

## § 24-59.2 Apprenticeship requirements.

- A. Every contractor or subcontractor, who is a party to, or working under, a construction contract with the Town shall be a participant in good standing in a qualified apprenticeship program that is registered with and approved by the DOL and shall have in place apprenticeship agreements that specifically identify or pertain to the trade(s) and/or job title(s) called for within the construction contract.
- B. Prior to entering into a construction contract with the Town, each contractor must submit certificates of completion to the Town. If a contractor is a signatory to a sponsor, the contractor must submit to the Town a letter from the sponsor verifying its signatory status.
- C. It shall be the contractor's responsibility to submit the required certificates of completion as part of any bid submitted in connection with a construction contract.
- D. If a contractor uses a subcontractor on a construction contract, the contractor shall submit certificates of completion for the subcontractor. The contractor must submit the subcontractor's or the subcontractor's sponsor's certificates of completion to the Town prior to a subcontractor beginning work under the contract. If a

**subcontractor is a signatory to a sponsor, the contractor must submit to the Town a letter from the sponsor verifying the signatory status.**

**§ 24-59.3. Rules and regulations.**

**The Town's Department of Public Works is hereby authorized, empowered, and directed to promulgate such rules and regulations necessary and appropriate for the implementation and enforcement of any provisions of this section.**

**§24-59.4. Exemptions.**

**This section shall not apply:**

- A. Where a specific trade has not been included among the list of trades maintained by the New York State Commissioner of Labor available for such apprenticeship agreements at the time of opening bids for the project; or**
- B. To any contracts utilizing federal, state, county or other funding assistance to the extent such funding assistance precludes application of this section; or**
- C. To emergency procurements pursuant to General Municipal Law §103; or**
- D. To any subcontractor upon receipt of proof in the form of a sworn written statement by the contractor that such subcontractor is entitled to receive less than \$100,000 under the construction contract.**

**§24-59.5. Applicability.**

**This section shall apply to construction contracts advertised for bids on or after the effective date.**

**Section 3.**

This section shall take effect immediately upon filing with the Secretary of State.