

**MEMORANDUM OF LEGISLATION**

DATE: May 20th, 2024

TITLE: Mandating Apprenticeship Opportunities on Certain County Construction Projects

SPONSOR: Legislator David Tubiolo, Legislator Colin Smith, Legislator Emiljana Ulaj

PURPOSE OR GENERAL IDEA OF BILL: To require all contractors and approved subcontractors seeking to contract with the County have a NYS DOL approved apprenticeship program in place prior to the award of any construction contract in excess of \$250,000. This Local Law would further authorize the County to consider to which career opportunities in apprenticeship training programs may be provided. Additionally, lessees of County-owned property would be subject to the apprenticeship agreement requirements when entering into construction contracts respecting County-owned property, if the total construction contract cost exceeds \$250,000.

A prospective contractor should be required to submit proof of a DOL approved apprenticeship agreement and certify all subcontractors shall comply with such apprenticeship agreement within 60 days of being awarded a contract. A prospective contractor who fails to submit such proof within the time specified should result in the determination that such bid is non-responsive and therefore invalid. In the event that a selected contractor fails to comply with the requirements of this law, the County should have the power to withhold payments, cancel, terminate, or suspend the contract. The same shall apply to a lessee that fails to provide proof of an apprenticeship agreement for any construction contract with respect to county owned property.

INTENT: To maximize the availability of apprenticeship opportunities by leveraging the county's contracting authority.

JUSTIFICATION: Apprenticeship programs provide meaningful workforce development opportunities, training workers in recognized occupations through on-the-job training and related instruction. Individual apprenticeship programs are administered by a sponsor, which can be an employer, a labor management organization, or another entity. The county can foster the creation of new local jobs while also developing a skilled workforce by leveraging its contracting authority to require apprenticeship offerings on construction projects in excess of 250,000. Additionally, this will provide a new avenue for unions which already offer NYS DOL approved apprenticeship programs to engage with contractors directly. Rather than developing their own apprenticeship programs, contractors can turn to unions and develop a collaborative approach to meet the requirements imposed by this law.

This law would only apply to county construction contracts in excess of \$250,000. The \$250,000 threshold is the same for consideration of PLA's under existing county law. Notably, this threshold is much lower than what is required by Peekskill's apprenticeship law (\$1,500,000) and Ulster County's apprenticeship law (\$750,000).

PRESENT LAW: NONE.

cc: Marcello Figueroa, Legislative Director
Dylan Tragni, Chief of Staff