



The Bureau of Public Work covers the payment of prevailing wages under Articles 8 and 9 of the New York State Labor Law.

Article 8 applies to projects done for a public agency (entity) for:

- Construction
- Reconstruction

Article 9 applies to building service contracts over \$1,500 annually for a public agency (entity) such as:

- Janitorial staff and security guards
- Moving of office furniture or equipment to or from such a building
- Delivery of fossil fuel to a building

## HOURS

A wage earner working for a contractor or subcontractor in any Article 8 public work project may not work overtime, unless there is an extraordinary emergency.

The contractor and the Contracting Agency (Department of Jurisdiction) may ask the Bureau of Public Work to permit workers to work extra hours or days on a project. Any work done beyond eight hours a day, or more than five days a week, is overtime. The specific overtime rules for each trade or occupation may differ. The only exception may be the use of any '4 Day/10 Hour' rates that may appear in the contract's assigned Prevailing Rate Schedule.

You can find the overtime rules listed in the Prevailing Rate Schedules for public work projects. Rest periods of 20 minutes or less count as time worked. Rest periods include coffee breaks and time for snacks, but not meal breaks.

## WAGES AND SUPPLEMENTS

Wages and supplements paid or provided to workers must comply with the most up-to-date Prevailing Rate Schedule for the work location. The annual determination appears on the Department of Labor website: [www.labor.ny.gov](http://www.labor.ny.gov). The Department of Labor posts wage schedules that list base rates of pay for different types of work. The schedule is required to be posted on all public work job sites.

It is required by law that contractors and subcontractors provide written notice to all workers of the prevailing wage rate for their particular job classification on each pay stub. If the required information will not fit on the pay stub, an accompanying sheet or attachment may be used.

Supervisors who work with tools must be paid at the prevailing wage rate for the classification of work being performed. When strictly overseeing workers, supervisors or foremen are not covered under Article 8 or 9 prevailing rate requirements.

## APPRENTICES

Workers cannot be paid apprentice rates unless they are part of a program registered with the New York State Department of Labor. The number of apprentices to journeyworkers in any type of craft must follow statewide building trade numbers as stated by the Department of Labor.

## EMPLOYEE COMPLAINTS

Any employee may file a complaint for suspected underpayments due for any work done on a public work project by contacting the appropriate district office. A complaint must be filed within two years of the occurrence. Investigators make every effort to keep the name of the complainant private.

You can request a complaint form through the district office, or download the file from the Department of Labor website: [www.labor.ny.gov](http://www.labor.ny.gov).

## OSHA 10-HOUR COURSE

All workers on public work projects of at least \$250,000 are required to have taken this construction safety course.

Once an individual has completed the course, and has their course card, New York State does not require renewal! Please note the New York State Comptroller may have different requirements.

## BUREAU OF PUBLIC WORK DISTRICT OFFICES

### CENTRAL OFFICE

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