

Dear Friend:



As a New Yorker, I understand all too well the significant challenges facing workers who seek decent pay for their hard work. That is why, as New York City Comptroller, I take my duty of enforcing prevailing wage laws very seriously.

It's simple. State laws require New York City government contractors and subcontractors to pay their construction and building service employees no less than the prevailing rate of wage and benefits as set by my office. When companies fail to pay prevailing wages, it is my job to enforce the law and recover the back pay from the contractors for the workers. My office also enforces the city's living wage law, which ensures a minimum living wage rate to workers employed by certain government service providers.

Unfortunately, dishonest contractors frequently take advantage of workers, including many immigrants, who may not be familiar with the laws. This practice is unfair and illegal. One of my goals is to always inform employees of their rights to prevailing wages and benefits.

The Comptroller's Office has a long history of recovering lost wages and benefits for construction and building service workers who have been cheated by companies that have New York City contracts. Please note that our state's labor laws protect all workers in New York regardless of their immigration status.

Enclosed you'll find answers to commonly asked questions about labor laws, and information about how to file claims if you believe a government contractor owes you back pay. I hope you'll find this information useful.

Sincerely,

John C. Liu
Comptroller of the City of New York

**For more information on the
Prevailing Wage Law,
contact the Comptroller's
Bureau of Labor Law:
(212) 669-4443
or visit
www.comptroller.nyc.gov**

Bureau of Labor Law
1 Centre Street, Room 1120
New York, NY 10007
(212) 669-4443
www.comptroller.nyc.gov



The City of New York
Office of the Comptroller
John C. Liu



PRINTED IN-HOUSE

WHAT YOU NEED TO KNOW ABOUT THE



Prevailing Wage Law

John C. Liu
New York City Comptroller

Valerie Budzik
Deputy Comptroller for Legal Affairs
General Counsel

Bureau of Labor Law

What is the prevailing wage law?

If you were hired by a company or an organization that has a contract with a New York City government agency, your employer may be required by law to pay you no less than the rate of pay set by the New York City Comptroller's Office. You're covered by the law if you:

- work in construction under a public works contract on a City-owned facility,-
- provide building services such as security, cleaning, temporary office clerical, or food services in a City-owned building,
- transport fossil fuel, office furniture, rubbish or equipment in a City-owned building,
- provide certain home attendant services, day care, or head-start services to New York City residents.

The rules for setting the minimum wage and benefit amounts and for enforcing the laws are set forth in Sections 220 and 230 of the New York State Labor Law, and Section 6-109 of the New York City Administrative Code.

How do I find out the current prevailing wage rates?

The New York City Comptroller's Office publishes the wage rates and benefits for covered workers on July 1st of every year.

The prevailing wages are decided based on what amount is being earned by other local workers in the same trades. You may review the rates by selecting the Labor Law heading on our web site, www.comptroller.nyc.gov.

What if I believe my employer didn't pay me the legal rate?

File a complaint with the Comptroller's Bureau of Labor Law. Call (212) 669-4443 to receive the form, or pick one up in Room 1120 of the Manhattan Municipal Building at One Centre Street. You may also download the form by selecting the Labor Law heading on our web site, www.comptroller.nyc.gov.

Mail the completed form to the Comptroller's Bureau of Labor Law, Room 1120, One Centre Street, New York, NY 10007. The Bureau will send you a letter of acknowledgment.

It's important to file as soon as possible.

What happens after I file?

Your case will be assigned to an investigator in the Bureau of Labor Law, who will contact your employer, the contracting agency and other employees to gather information. Based on the findings, the investigator will determine whether you were paid the correct rate, and if not, how much you are owed.

The Bureau will tell your employer the amount you should be paid, and if the employer agrees, the Bureau will arrange for you to receive the outstanding wages.

What if the contractor disagrees with the investigator's findings?

The next step is an administrative hearing before an impartial administrative law judge. The Comptroller's Office must prove, on your behalf, that the contractor violated the prevailing wage law. Evidence may include contractor and agency records, your pay stubs and relevant records, and other employees' testimony. It's likely that you, too, will be required to testify.

When will the contractor pay me what I'm owed?

First, the Bureau of Labor Law must finish its investigation, followed by an audit, which may take several months. Then, if the contractor agrees to waive the right to a hearing and pay you, you'll probably receive the back wages within a year of filing your complaint.

If there must be a hearing, however, you can't be paid until the process is over. Preparing and trying your case also could take several months.

Once all the evidence is in, the hearing officer makes a recommendation to the Comptroller, who issues an Order and Determination indicating whether the contractor must pay back wages. If so, the contractor has 30 days to file an appeal.

If there's no appeal, you can expect to receive your back wages (with deductions for any money you owe for child support) within a few months of the Order.

Can I file a complaint with another office?

Claims related to a New York City contract must be filed with the City Comptroller's Office. If you worked under a State contract, you need to file with:

**New York State Department of Labor
Bureau of Public Work
75 Varick St. – 7th Floor
New York, NY 10013
(212) 775-3568**

If you worked under a federal contract, file your complaint with:

**U.S. Department of Labor
26 Federal Plaza, Rm. 3700
New York, NY 10278
(212) 264-8185**

Any of these offices can help refer you to the appropriate office if you're unsure where you should file.