

Notice of Public Hearing and Opportunity to Comment on Proposed Regulations

What are we proposing? The New York City Comptroller's Office (Comptroller) proposes amendments to chapter 2 of title 44 of the rules of the city of New York to provide for assessment of civil penalties for violations of employer notice requirements under the provisions of New York labor law section 220(3-a)(a)(ii) and to enhance recordkeeping and notice requirements under the provisions of New York labor law articles 8 and 9, subdivisions 8, 16 and 17 of section 421-a of the New York real property tax law and New York city administrative code sections 6-109 and 19-142.

When and where is the hearing? The Comptroller will hold a public hearing on the proposed regulations. The public hearing will take place from 10:00 AM to 12:00 PM on **November 1, 2019**. The hearing will be in the Comptroller's offices in the David N. Dinkins Municipal Building at One Centre Street, Room 1005, New York, NY 10007.

The location has the following accessibility options available: the building and hearing room are wheelchair accessible.

How do I comment on the proposed regulations? Anyone can comment on the proposed regulations by:

- **Website.** You can submit comments to the Comptroller through the NYC rules Website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to laborlaw@comptroller.nyc.gov.
- **Mail.** You can mail written comments to Constantine Kokkoris, Assistant Comptroller for Labor Law, David N. Dinkins Municipal Building, One Centre Street, Room 651, New York, New York 10007.
- **Fax.** You can fax written comments to the Comptroller, (212) 815-8595, Attention: Constantine Kokkoris.
- **Hearing.** You can speak at the public hearing. Anyone who wants to comment on the proposed regulations at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 669-4443. You can also sign up in the hearing room before the hearing begins on November 1, 2019. You can speak for up to three minutes.

Is there a deadline to submit written comments? All written comments must be submitted before the close of business on **November 1, 2019**.

What if I need assistance to participate in the hearing? If you need a sign language interpreter or other reasonable accommodation of a disability at the hearing, you must tell us no later than October 25, 2019 either by email at laborlaw@comptroller.nyc.gov, by telephone at (212) 669-4443, or by mail at the address given above.

Can I review the comments made on the proposed regulations? You can review the comments made online on the proposed regulations by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and an audiotape of oral comments concerning the proposed regulations will be available to the public at the David N. Dinkins Municipal Building, One Centre Street, Room 651, New York, NY between 10:00 am – 4:00 pm on weekdays.

What authorizes the Comptroller to make these regulations? New York labor law articles 8 and 9, New York real property tax law section 421-a (8), (16) and (17) and New York city administrative code sections 6-109 and 19-142 authorize the Comptroller to make these proposed regulations.

Where can I find the Comptroller regulations? The Comptroller's regulations are in title 44 of the rules of the city of New York.

What rules govern the rulemaking process? The Comptroller must meet the requirements of section 1043 of the New York city charter when creating or changing regulations. This notice is made according to the requirements of section 1043 of the New York city charter.

Statement of Basis and Purpose of Regulations

Various state and local laws vest the New York city Comptroller with authority to enforce prevailing wage laws by conducting investigations and hearings and issuing reports with recommendations or orders. New York labor law section 220(3-a)(a)(ii) further requires covered employers to post jobsite notices and provide pay stubs and notices to covered employees with applicable prevailing wage and supplement rates, and vests the Comptroller with the authority to assess civil penalties for violations of these notice requirements. The laws that vest authority in the Comptroller are detailed below.

- Article 8 of the New York labor law requires payment of prevailing wages and supplements to construction workers on New York city public work projects.
- Article 9 of the New York labor law requires payment of prevailing wages and supplements to building service employees on building service contracts with city agencies.
- Subdivision 8, paragraph h of subdivision 16 and paragraph g of subdivision 17 of section 421-a of the New York real property tax law require payment of prevailing wages and supplements to building service employees in certain buildings that receive real estate tax exemptions under that law.
- New York city administrative code section 6-109 requires payment of prevailing wages and supplements to workers on certain service contracts with city agencies.
- New York city administrative code section 19-142 requires payment of prevailing wages and supplements to workers on New York city street excavations.

This proposed rule sets forth a clear and uniform procedure for investigating and assessing civil penalties for failure to post notices at job sites or provide notices with pay stubs to workers under the above-mentioned laws. The comprehensiveness of the rules provides enhanced guidance to employers, employees, and building owners covered by these laws.

Section 1 amends section 2-02 of chapter 2 of title 44 to add a definition for “Construction Poster” that is required by labor law section 220(3-a)(a)(ii) and amends the definition of “Worker Notice Poster” in section 2-02 of such chapter to conform to the requirements of labor law section 220(3-a)(a)(ii).

Section 2 amends paragraph 1 of subdivision c of section 2-04 of chapter 2 of title 44 to add an additional recordkeeping requirement for pay stubs or wage statements required by labor law sections 195(3) and 220(3-a)(a)(ii). Section 2 also amends paragraphs 4, 5 and 6 of subdivision c of section 2-04 of such chapter to add additional notice requirements for public work projects to be posted at job sites and provided to workers with their pay stubs under labor law section 220(3-a)(a)(ii).

Section 3 amends chapter 2 of title 44 to add a new section 2-07 creating a procedure for the assessment of civil penalties to covered employers for failure to post required jobsite notices or to provide notices and pay stubs with applicable prevailing wage and supplement rates under labor law section 220(3-a)(a)(ii).

New text is underlined.

[Deleted material is in brackets.]

“Shall and “must” denote mandatory requirements and may be used interchangeably in the rules of this agency, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 2-02 of chapter 2 of title 44 of the rules of the city of New York is amended by adding a new definition of “Construction Poster”, and amending the definition of “Worker Notice Poster”, in alphabetical order to read as follows:

Construction Poster. “Construction Poster” means a poster no smaller than two feet in height and two feet in width in the form provided on the comptroller’s website with the heading “Prevailing Rate of Wages” in lettering no smaller than two inches in height and two inches in width. The poster must detail the Prevailing Wages and Supplements due for Covered Work performed on a public work project subject to the requirements of labor law article eight and must be constructed of materials capable of withstanding adverse weather conditions.

Worker Notice[Poster]. “Worker Notice[Poster]” means a notice in the form provided on the comptroller’s website detailing the Prevailing Wages and Supplements due for Covered Work performed on a particular project, contract or building and informing workers of their right to contact the comptroller about Prevailing Wages and Supplements.

§ 2. Subdivision c of section 2-04 of chapter 2 of title 44 of the rules of the city of New York is amended to read as follows:

§ 2-04 Prevailing Wage and Supplement requirements and recordkeeping

(c) Required records. (1) Covered Employers must maintain Documents consisting of the following records for six years after Covered Work is performed, must preserve the records immediately when notified by the Bureau of a compliance investigation, and must produce true

copies of all such records within the time requested by the Bureau after notice of the right to counsel described in section 2-05(f):

- i) Contracts and subcontracts for Covered Work;
- ii) Certified Payroll Reports for Covered Work;
- iii) Daily Sign-In Logs for Covered Work;
- iv) Weekly payroll records, registers or journals required by labor law section 195(4);
- v) Pay stubs or wage statements required by labor law sections 195(3) and 220(3-a)(a)(ii);
- vi) All Documents and records concerning the cost of Bona Fide Fringe Benefits provided to Covered Workers, including but not limited to invoices, account statements, benefits remittance reports and benefits plan descriptions; and
- vii) All federal and state employment tax returns and filings, including but not limited to quarterly combined withholding, wage reporting, and unemployment insurance form NYS-45 returns; employers' quarterly federal tax form 941 returns; wage and tax form W-2 statements; and miscellaneous income form 1099 statements.

(2) Each Covered Employer must maintain one weekly Certified Payroll Report for each project, contract or building on which it performs Covered Work. The Certified Payroll Report must set forth the names, addresses and trade classifications for all Covered Workers employed by the Covered Employer on the project, contract or building, as well as the hours and days of Covered Work, the hourly wage and supplement rates, and the weekly gross and net pay amounts for each Covered Worker. The Certified Payroll Report must be signed and affirmed to be true under penalties of perjury by an officer or principal of the Covered Employer.

(3) Each Covered Employer must maintain one Daily Sign-In Log for each project, contract or building on which it performs Covered Work. The Daily Sign-In Log must set forth the names, trade classifications, daily start and end times of Covered Work for, and must be signed by, each Covered Worker employed by the Covered Employer on the project, contract or building.

(4) Each Covered Employer must post a Worker Notice[Poster] in a prominent and accessible place at each project, contract or building on which it performs Covered Work. The Worker Notice[Poster] must [set forth the attach schedules detailing the trade classifications and the corresponding Prevailing Wages and Supplements [due for]applicable to the Covered Work performed on that project, contract or building. On public work projects subject to the requirements of labor law article eight only, Covered Employers must instead of posting a Worker Notice post a Construction Poster in a prominent and accessible place at each work site. The Construction Poster must attach schedules detailing the trade classifications and the corresponding Prevailing Wages and Supplements applicable to the Covered Work performed on that public work project.

(5) Each Covered Employer must provide a Worker Notice to each employee performing Covered Work subject to the requirements of labor law article eight at the time it begins performing such public work project, and with the first paycheck to each such employee after July first of each year. The Worker Notice must attach schedules detailing the trade classifications and the corresponding

Prevailing Wages and Supplements applicable to the Covered Work performed on that public work project.

(6) Each Covered Employer with employees performing Covered Work subject to the requirements of labor law article eight must provide pay stubs, as required by labor law sections 195(3) and 220(3-a)(a)(ii), for each work week to each such employee detailing the trade classifications and the corresponding Prevailing Wage rates applicable to such Covered Work performed by such employee in such work week.

§ 3. Chapter 2 of title 44 of the rules of the city of New York is amended by adding a new section 2-07 to read as follows:

§ 2-07 Civil Penalties for Violations of Employer Notice Requirements.

(a) Penalties for Construction Poster violations with opportunity to cure. (1) The failure of a Covered Employer performing Covered Work subject to the requirements of labor law article eight to comply with the Construction Poster requirements set forth in section 2-04(c)(4) constitutes a separate violation at each work site, for each work day. Covered Employers are deemed to have willfully posted an incorrect Construction Poster if they knew or should have known that the trade classifications or Prevailing Wages and Supplements detailed in such poster are incorrect or incomplete for the Covered Work performed at such public work site.

The penalty amounts set forth in Appendix A apply to the following Construction Poster violations.

(2) A Class 1 Construction Poster violation consists of:

- i) failing to post a Construction Poster at the public work site where the Covered Employer has 10 or more employees and has worked on a prior public work project; or
- ii) willfully posting an incorrect Construction Poster at the public work site.

(3) A Class 2 Construction Poster violation consists of:

- i) failing to post a Construction Poster at the public work site where the Covered Employer has fewer than 10 employees or has never worked on a prior public work project; or
- ii) posting a Construction Poster without schedules detailing trade classifications and Prevailing Wages and Supplements at the public work site; or
- iii) posting a Construction Poster in an inaccessible and not prominent place at the public work site.

(4) A Covered Employer that has committed a first Construction Poster violation under this section has ten days from receipt of the summons under section 2-07(e) to post a proper Construction Poster, sign the admission of liability and certification of cure on the summons, and return the summons with a photograph of such poster to the Comptroller. If such proof of compliance is acceptable to the Comptroller, an order for such violation will be issued with no civil penalty. Each violation by a Covered Employer that occurs after the Comptroller has issued one order under section 2-07 to that Covered Employer within the last six years is a second violation. Each violation by a Covered Employer that occurs after the Comptroller has issued

two or more orders under section 2-07 to that Covered Employer within the last six years is a third and subsequent violation.

(b) Penalties for Worker Notice violations with opportunity to cure. (1) The failure of a Covered Employer to comply with the Worker Notice requirements set forth in section 2-04(c)(5) for employees performing Covered Work subject to the requirements of labor law article eight constitutes a separate violation for each such employee. Covered Employers are deemed to have willfully provided an incorrect Worker Notice if they knew or should have known that the trade classifications or Prevailing Wages and Supplements detailed in such notice are incorrect or incomplete for such Covered Work performed by such employee.

The penalty amounts set forth in Appendix A apply to the following Worker Notice violations.

(2) A Class 1 Worker Notice violation consists of:

i) failing to provide a Worker Notice where the Covered Employer has 10 or more employees and has worked on a prior public work project; or

ii) willfully providing an incorrect Worker Notice.

(3) A Class 2 Worker Notice violation consists of:

i) failing to provide a Worker Notice where the Covered Employer has fewer than 10 employees or has not worked on a prior public work project; or

ii) providing a Worker Notice without schedules detailing trade classifications and Prevailing Wages and Supplements.

(4) A Covered Employer that has committed a first Worker Notice violation has thirty days from receipt of the summons under section 2-07(e) to provide a proper Worker Notice to each employee, sign the admission of liability and certification of cure on the summons, and return the summons with a copy of such notice to the Comptroller. If such proof of compliance is acceptable to the Comptroller, an order for such violation will be issued with no civil penalty. Each violation by a Covered Employer that occurs after the Comptroller has issued one order under section 2-07 to that Covered Employer within the last six years is a second violation. Each violation by a Covered Employer that occurs after the Comptroller has issued two or more orders under section 2-07 to that Covered Employer within the last six years is a third and subsequent violation.

(c) Penalties for pay stub violations with opportunity to cure. (1) The failure of a Covered Employer to comply with the pay stub requirements set forth in section 2-04(c)(6) for employees performing Covered Work subject to the requirements of labor law article eight constitutes a separate violation for each such employee, for each work week. Covered Employers are deemed to have willfully provided an incorrect pay stub to an employee performing Covered Work subject to the requirements of labor law article eight if they knew or should have known that the Prevailing Wage rates detailed in such pay stub are incorrect or incomplete for such Covered Work performed by such employee in the work week covered by such pay stub. Penalties for pay stub violations may be assessed for up to one year from the date of the violation for each such employee. The penalty amounts set forth in Appendix A apply to the following pay stub violations.

(2) A Class 1 pay stub violation consists of:

- i) failing to provide a pay stub; or
- ii) willfully providing an incorrect pay stub.

(3) A Class 2 pay stub violation consists of providing a pay stub without trade classifications and Prevailing Wage rates.

(4) A Covered Employer that has committed a first Class 2 pay stub violation has thirty days from receipt of the summons under section 2-07(e) to provide to each employee the proper pay stubs for the entire compliance period in the summons, sign the admission of liability and certification of cure on the summons, and return the summons with copies of all such pay stubs to the Comptroller. If such proof of compliance is acceptable to the Comptroller, an order for such violation will be issued with no civil penalty. Each violation by a Covered Employer that occurs after the Comptroller has issued one order under section 2-07 to that Covered Employer within the last six years is a second violation. Each violation by a Covered Employer that occurs after the Comptroller has issued two or more orders under section 2-07 to that Covered Employer within the last six years is a third and subsequent violation.

(d) Designation. Before the Comptroller issues an order assessing a civil penalty against a Covered Employer under labor law section 220(3-a)(a)(ii) for failing to post a Construction Poster or willfully posting an incorrect Construction Poster, failing to provide a Worker Notice or willfully providing an incorrect Worker Notice, or for failing to provide a pay stub or willfully providing an incorrect pay stub, a hearing is held by the hearings division of the office of administrative trials and hearings.

(e) Summons. For every alleged violation under labor law section 220(3-a)(a)(ii), the Bureau issues a summons to the Covered Employer performing work at the public work site or employing the workers at issue. The summons is either served in person upon any managing or general agent of the Covered Employer or mailed to the Covered Employer at its business address. The summons contains the name and address of the Covered Employer, the address of the work site and date for alleged violations concerning the Construction Poster, the name of the employee and date for alleged violations concerning Worker Notices and pay stubs, a brief description of the nature of the alleged violation and the maximum and “mail-in” penalty amounts.

(f) Waiver of hearing. Any person who receives a summons under this section may waive a hearing by admitting the violation charged on the summons and paying the “mail-in” penalty amount. Payment must be made by certified or bank check payable to the “New York City Comptroller” and must be mailed to the Comptroller’s office with the summons before the hearing date. Admission of the violation charged on the summons constitutes an order of the Comptroller for purposes of paragraph 4 of subdivision a, paragraph 4 of subdivision b and paragraph 4 of subdivision c of this section.

(g) Order. The presiding hearing officer promptly issues a recommended decision after the hearing, which may adjudicate violations alleged in one or more summonses. The recommended decision must describe particularly the nature of each alleged violation and assess a civil penalty

or dismiss the charge. The office of administrative trials and hearings serves the recommended decision on every party. The recommended decision is not subject to an appeal under section 6-19 of title 48 of the rules of the city of New York. The Comptroller may adopt, reject or modify, in whole or in part, the recommended decision when issuing an order under labor law section 220(3-a)(a)(ii). The Bureau files the order of the Comptroller and serves a copy of the order on every party.

Appendix A

For a full description of violations, refer back to text of section of rule indicated

<u>Section of Rule</u>	<u>Violation Type</u>	<u>Cure</u>	<u>Penalty</u>	<u>Default Penalty</u>
<u>44 RCNY § 2-07(a)(2)</u>	<u>First Construction Poster violation Class 1</u>	<u>Y</u>	<u>\$50</u>	<u>\$50</u>
<u>44 RCNY § 2-07(a)(3)</u>	<u>First Construction Poster violation Class 2</u>	<u>Y</u>	<u>\$30</u>	<u>\$30</u>
<u>44 RCNY § 2-07(a)(2)</u>	<u>Second Construction Poster violation Class 1</u>	<u>N</u>	<u>\$250</u>	<u>\$250</u>
<u>44 RCNY § 2-07(a)(3)</u>	<u>Second Construction Poster violation Class 2</u>	<u>N</u>	<u>\$150</u>	<u>\$150</u>
<u>44 RCNY § 2-07(a)(2)</u>	<u>Third and subsequent Construction Poster violation Class 1</u>	<u>N</u>	<u>\$500</u>	<u>\$500</u>
<u>44 RCNY § 2-07(a)(3)</u>	<u>Third and subsequent Construction Poster violation Class 2</u>	<u>N</u>	<u>\$300</u>	<u>\$300</u>
<u>44 RCNY § 2-07(b)(2)</u>	<u>First Worker Notice violation Class 1</u>	<u>Y</u>	<u>\$50</u>	<u>\$50</u>
<u>44 RCNY § 2-07(b)(3)</u>	<u>First Worker Notice violation Class 2</u>	<u>Y</u>	<u>\$30</u>	<u>\$30</u>
<u>44 RCNY § 2-07(b)(2)</u>	<u>Second Worker Notice violation Class 1</u>	<u>N</u>	<u>\$250</u>	<u>\$250</u>
<u>44 RCNY § 2-07(b)(3)</u>	<u>Second Worker Notice violation Class 2</u>	<u>N</u>	<u>\$150</u>	<u>\$150</u>
<u>44 RCNY § 2-07(b)(2)</u>	<u>Third and subsequent Worker Notice violation Class 1</u>	<u>N</u>	<u>\$500</u>	<u>\$500</u>
<u>44 RCNY § 2-07(b)(3)</u>	<u>Third and subsequent Worker Notice violation Class 2</u>	<u>N</u>	<u>\$300</u>	<u>\$300</u>
<u>44 RCNY § 2-07(c)(2)</u>	<u>First pay stub violation for 1-9 weeks Class 1</u>	<u>N</u>	<u>\$50</u>	<u>\$50</u>

44 RCNY § <u>2-07(c)(2)</u>	<u>First pay stub violation for 10-24 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$500</u>	<u>\$500</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>First pay stub violation 25-49 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$1,250</u>	<u>\$1,250</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>First pay stub violation for 50-52 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$2,500</u>	<u>\$2,500</u>
44 RCNY § <u>2-07(c)(3)</u>	<u>First pay stub violation for 1-9 weeks</u> <u>Class 2</u>	<u>Y</u>	<u>\$30</u>	<u>\$30</u>
44 RCNY § <u>2-07(c)(3)</u>	<u>First pay stub violation for 10-24 weeks</u> <u>Class 2</u>	<u>Y</u>	<u>\$300</u>	<u>\$300</u>
44 RCNY § <u>2-07(c)(3)</u>	<u>First pay stub violation for 25-49 weeks</u> <u>Class 2</u>	<u>Y</u>	<u>\$750</u>	<u>\$750</u>
44 RCNY § <u>2-07(c)(3)</u>	<u>First pay stub violation for 50-52 weeks</u> <u>Class 2</u>	<u>Y</u>	<u>\$1,500</u>	<u>\$1,500</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>Second pay stub violation for 1-9 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$250</u>	<u>\$250</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>Second pay stub violation for 10-24 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$2,500</u>	<u>\$2,500</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>Second pay stub violation for 25-49 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$6,250</u>	<u>\$6,250</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>Second pay stub violation for 50-52 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$12,500</u>	<u>\$12,500</u>
44 RCNY § <u>2-07(c)(3)</u>	<u>Second pay stub violation for 1-9 weeks</u> <u>Class 2</u>	<u>N</u>	<u>\$150</u>	<u>\$150</u>
44 RCNY § <u>2-07(c)(3)</u>	<u>Second pay stub violation for 10-24 weeks</u> <u>Class 2</u>	<u>N</u>	<u>\$1,500</u>	<u>\$1,500</u>
44 RCNY § <u>2-07(c)(3)</u>	<u>Second pay stub violation for 25-49 weeks</u> <u>Class 2</u>	<u>N</u>	<u>\$3,750</u>	<u>\$3,750</u>
44 RCNY § <u>2-07(c)(3)</u>	<u>Second pay stub violation for 50-52 weeks</u> <u>Class 2</u>	<u>N</u>	<u>\$7,500</u>	<u>\$7,500</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>Third and subsequent pay stub violation for</u> <u>1-9 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$500</u>	<u>\$500</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>Third and subsequent pay stub violation for</u> <u>10-24 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$5,000</u>	<u>\$5,000</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>Third and subsequent pay stub violation for</u> <u>25-49 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$12,500</u>	<u>\$12,500</u>
44 RCNY § <u>2-07(c)(2)</u>	<u>Third and subsequent pay stub violation for</u> <u>50-52 weeks</u> <u>Class 1</u>	<u>N</u>	<u>\$25,000</u>	<u>\$25,000</u>

<u>44 RCNY § 2-07(c)(3)</u>	<u>Third and subsequent pay stub violation for 1-9 weeks</u> <u>Class 2</u>	<u>N</u>	<u>\$300</u>	<u>\$300</u>
<u>44 RCNY § 2-07(c)(3)</u>	<u>Third and subsequent pay stub violation for 10-24 weeks</u> <u>Class 2</u>	<u>N</u>	<u>\$3,000</u>	<u>\$3,000</u>
<u>44 RCNY § 2-07(c)(3)</u>	<u>Third and subsequent pay stub violation for 25-49 weeks</u> <u>Class 2</u>	<u>N</u>	<u>\$7,500</u>	<u>\$7,500</u>
<u>44 RCNY § 2-07(c)(3)</u>	<u>Third and subsequent pay stub violation for 50-52 weeks</u> <u>Class 2</u>	<u>N</u>	<u>\$15,000</u>	<u>\$15,000</u>

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

NEW YORK, NY 10007

212-356-4028

CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Enforcement of Certain Requirements Relating to Payment of Prevailing Wages

REFERENCE NUMBER: 2019 RG 067

RULEMAKING AGENCY: Comptroller

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN L. GOULDEN

Date: 09/20/19

Acting Corporation Counsel

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS

253 BROADWAY, 10th FLOOR

NEW YORK, NY 10007

212-788-1400

CERTIFICATION / ANALYSIS

PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Comptroller's Enforcement of the Prevailing Wage Law

REFERENCE NUMBER: COMPT - 02

RULEMAKING AGENCY: NYC Comptroller

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Brady Hamed

Mayor's Office of Operations

September 20, 2019

Date