

Town Board of the Town of Hamburg
March 10, 2025 Meeting

23. Apprenticeship Utilization

WHEREAS, there is a long, productive history of partnership between labor and management for the training of skilled craft workers in our State which began over 80 years ago when the U.S. Congress passed the Fitzgerald Act (29 USC Section 50) to encourage States to develop apprenticeship training programs, and

WHEREAS, the New York State Legislature adopted Article 23 of the New York State Labor Law in 1961 to authorize the State Commissioner of Labor to develop standards for apprenticeship training and a process for certifying programs which meet said standards, and

WHEREAS, the New York State Certified Worker Training Program (NYSCATP) is a state registered and regulated apprenticeship program through the New York State Department of Labor that has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, and

WHEREAS, the promotion of apprenticeship training programs will expand the pool of skilled workers in the Town of Hamburg by providing residents another means to earn a decent living thereby supporting the local and regional economies, and

NOW THEREFORE BE IT FURTHER RESOLVED, pursuant to New York Labor Law Article 23, Section 816-b, the Town of Hamburg hereby requires any contractor or subcontractor, at the time of bidding on a construction contract over \$350,000 with the Town of Hamburg, to submit appropriate documentation of having currently valid apprenticeship agreements, either internally to the contractor or subcontractor and/or through an organization serving several contractors or subcontractors, appropriate for the type and scope of work to be performed, which have been registered with and approved by the New York Commissioner of Labor in accordance with Article 23 of the New York State Labor Law, anything in Section 103 of the New York General Municipal Law to the contrary notwithstanding, and

BE IT FURTHER RESOLVED, that "construction contract" shall mean any contract to which the Town of Hamburg shall be signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, or physical structure of any kind with a value in excess of \$350,000, and

BE IT FURTHER RESOLVED, that "contractor or subcontractor" shall mean a contractor or subcontractor which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law, and

BE IT FURTHER RESOLVED, "construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition, or otherwise providing for any buildings, facility, roads, highways, bridges, or physical structure of any kind but does not include professional services employees or those construction workers for which a NYSCATP does not exist, and

BE IT FURTHER RESOLVED, the Town of Hamburg may determine prior to the advertisement of bids for the project or prior to the award of bids that the nature of the construction contract does not provide an adequate opportunity for the use of NYSCATP for such reasons including but not limited to 75% or more of the value of the construction contract involves material, equipment, and/or supplies, there is a lack of NYSCATP approved by the Department of Labor for at least 75% of the work hours anticipated to be spent

on construction type activity involved in the construction contract, the construction contract is in response to an emergency condition, the project is estimated to cost \$350,000 or less, or the bid amount is \$350,000 or less, or none of the bids received were bidders who had an NYSCATP, and

BE IT FURTHER RESOLVED, a bidder may provide a statement at the time of bid as to the inapplicability of apprenticeship participation on the prime contract between the Town and the contractor and the related subcontracts due to the lack of career opportunities in the NYSCATP approved by the NY Commissioner of Labor or that the magnitude of the construction contract would make use of apprentices impracticable, and the bidder may not be deemed non-responsive by virtue of the submission of such a statement, as determined by the Town of Hamburg with applicability viewed with the total workforce of each prime contract and not as a function of each subcontract of the construction contract as a whole, and

BE IT FURTHER RESOLVED, a minimum of 10% of the labor hours of the total construction workforce employed by all contractors and subcontractors performing work pursuant to a construction contract as previously defined shall be performed by a person or persons participating in a NYSCATP with only hours worked by a person or persons in the construction trade for which they are registered as an apprentice and only hours worked by said apprentice according to the allowable ratio of apprentice to journey worker as stated under the applicable prevailing wage schedule may count towards the 10% labor management requirement, and

BE IT FURTHER RESOLVED, failure to include proof of a NYSCATP at the time of bid shall result in the rejection of the bid as non-responsive, with the exception of the circumstances previously noted, and

BE IT FURTHER RESOLVED, it is the responsibility of the contractors and subcontractors entering into a construction contract as described previously to maintain records necessary for said contractor and subcontractor to verify to the applicable labor organization(s) as requested that NYSCATP requirements have been met from commencement of the contract through the conclusion of the construction contract, and

BE IT FURTHER RESOLVED, this resolution shall apply to construction contracts advertised for bids on or after May 1, 2025, and nullifies any and all previous resolutions adopted by Hamburg Town Boards past and present, and this resolution will be placed on the town website for reference and included in applicable bids, and

BE IT FURTHER RESOLVED, that if any clause, sentence, paragraph, subdivision, section of or part of this resolution or the application therefor to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Moved: Kozub