


260 file

TO: Director, Preliminary Plan Review Bureau	 <h2 style="margin: 0;">ENGINEERING FORMS INSTRUCTION</h2> <p style="margin: 0;">NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p>
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	SUBJECT: LABOR LAW VIOLATIONS (HOURS AND WAGES) & PRECONSTRUCTION CONFERENCE Subject Code 7.30 MODIFIES EI 72-071 DATE 7/19/72
APPROVED: <i>Jack Stembauer</i> Deputy Chief Engineer (Construction)	Code: EI 74-13 Date: 1/30/74 Supersedes: General Letter #6, dated April 10, 1953

The purpose of this instruction is to clarify: 1. The obligation of the Transportation employee, and 2. The reporting procedures relative to Article 8, Public Work and Article 8A-Grade Crossing Elimination Work, of the New York State Labor Law. Reference is made to EI 72-71 for instructions regarding safety and health regulations for construction.

In accordance with Subdivision 24 of Section 14 of the Transportation Law, it is the duty of officers and employees of the Department of Transportation to report any and all violations of Article 8 and 8A of the New York State Labor Law that they may observe or have brought to their attention. The Labor Department will investigate and notify the Commissioner of Transportation of violations. The Commissioner shall thereupon take proceedings to enforce the provisions of Articles 8 and 8A. Please note that, as the contracting officer, DOT bears prime responsibility to ensure contract compliance with the federal and State labor provisions summarized in each contract proposal. The following reporting procedures will apply similarly to both Federal Aid and 100% State Contracts.

- 1 - Generally, before any circumstance is treated as a violation, every reasonable effort should be made to obtain the contractors' or subcontractors' voluntary compliance.

The provision of both the Federal and the New York State Labor Laws are summarized in each contract proposal. If further details or explanations are necessary to verify an apparent violation, the Regional office should have copies of the Laws available for reference. (i.e. Public Work, Article 8 and Grade Crossing Elimination, Article 8A of the New York State Labor Law, and the Labor Compliance Manual, U.S. Department of Transportation.)

- 2 - If an apparent violation cannot be resolved with the Contractor, a contact may be made with the Labor Department's Bureau of Public Work, local office. A list of the senior investigators, their phone numbers and the counties they represent is attached.

Subject: LABOR LAW VIOLATIONS (HOURS AND WAGES) & PRECONSTRUCTION CONF.

3 - When the representative of the Bureau of Public Work (Labor Department) issues Form PW-28 (Notice of Labor Law Inspection Findings) the Engineer-in-Charge shall follow up with the contractor the violation and the required correction. This action and the results should be forwarded to the Regional office in the form of a memo. The Regional office may be required to confirm resolution of the violations to the Main Office at a later date. If resolution is still not attained or further similar violations occur, the Engineer-in-Charge should notify the Regional Office (DOT) in writing with details of the apparent violation. The Regional Office should in turn forward all information to the Deputy Chief Engineer (Construction) for further action and resolution.

No direct written contact should be made with the State or Federal Labor Departments other than a phone call to the N.Y.S. Labor Department's Bureau of Public Work Local Office.

Preconstruction Conference

When preparing the agenda for the preconstruction conference, consideration should be given to including the Senior Investigator from the State Labor Department's Bureau of Public Work who covers the county involved.

Your cooperation with this procedure will bring about a more satisfactory and expeditious resolution to all labor problems.

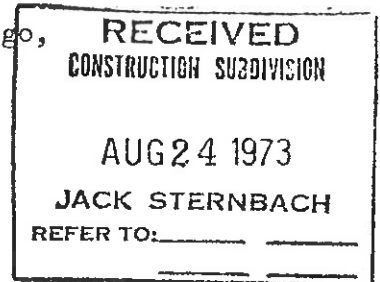
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Attachment

ALBANY DISTRICT - Albany, Columbia, Clinton, Dutchess, Essex, Greene
Rensselaer, Saratoga, Schenectady, Ulster, Warren
Washington

Sr. Inv. Lawrence Newell 457-2744
State Office Building Campus
Building 12, Room 118
Albany, New York 12201

BINGHAMTON DISTRICT - Broome, Chemung, Chenango, Delaware, Otsego,
Schuyler, Steuben, Sullivan, Tioga

Sr. Inv. Frank Rigatti 773-7802 (T.L. 133)
State Office Building
44 Hawley Street
Binghamton, New York 13901



BUFFALO DISTRICT - Cattaraugus, Chautauqua, Erie, Niagara

Sr. Inv. Samuel Allesii 842-4372 (T.L. 161) - 4372
State Office Building
65 Court Street
Buffalo, New York 14202

HEMPSTEAD DISTRICT - Nassau, Suffolk

Sr. Inv. William Montgoris 485-4878 (T.L. 136)
Imperial Square Building
175 Fulton Avenue
Hempstead, New York 11550

ROCHESTER DISTRICT - Genesee, Livingston, Monroe, Ontario, Orleans, Wayne
Yates, Wyoming

Sr. Inv. Robert Riess 546-7744 (T.L. 166)
State Office Building
155 Main Street
Rochester, New York 14614

SYRACUSE DISTRICT - Cayuga, Cortland, Jefferson, Onondaga, Oswego, Seneca
Tompkins

Sr. Inv. Ben Genova 473-8324 (T.L. 151) - 8324
333 E. Washington Street
Syracuse, New York 13202

UTICA DISTRICT - Fulton, Franklin, Hamilton, Herkimer, Lewis, Madison, Oneida
St. Lawrence

Sr. Inv. Alfred Gates 797-6120 (T.L. 150) - 287
207 Genesee Street
Utica, New York 13501

WHITE PLAINS DISTRICT - Bronx, Kings, Queens, New York, Richmond, Orange,
Rockland, Putnam, Westchester

Sr. Inv. Lee Hunt 948-1616 (T.L. 134)
30 Glenn Street
White Plains, New York 10603