

JAN 11 2001

STATE OF NEW YORK

DEPARTMENT OF LABOR

Governor W. Averell Harriman
State Office Building Campus
Albany, New York 12240



KEVIN E. JONES

Director
Bureau of Public Work

January 9, 2001

Mr. Stephen L. Schaurer
Executive Director
Associated Builders
and Contractors, Inc.
6369 Collamer Drive
East Syracuse, New York 13057-1115

Dear Steve:

This is written in response to your letter regarding the statutory requirements on contractors who provide payrolls to Departments of Jurisdiction pursuant to §220.3-a(a) of the Labor Law.

Section 220.3-a(a) of the Labor Law requires that "the contractor and every sub-contractor shall keep original payrolls or transcripts thereof, subscribed and affirmed by him as true under the penalties of perjury, showing the hours and days worked by each workman, laborer or mechanic, the occupation at which he worked, the hourly wage rate paid and the supplements paid or provided." It is the Department's position that §220.3-a(a) of the Labor Law requires certified payrolls (originals or transcripts thereof) be provided to the Department of Labor that include each worker's name, address and social security number.

Later in §220.3-a(a), the statute states that "[e]very contractor and sub-contractor submit to the department of jurisdiction within thirty days after issuance of its first payroll, and every thirty days thereafter, a transcript of the original payroll record, as provided by this article, subscribed and affirmed as true under the penalties of perjury." The reference to transcripts, rather than "original payrolls or transcripts thereof" only acts to remove any requirement that

original payrolls be provided. It does not permit a contractor to submit a redacted payroll.

Thank you for writing.

Very truly yours,

A handwritten signature in cursive script that reads "Kevin E. Jones". The signature is written in dark ink and is positioned above the printed name and title.

Kevin E. Jones
Director