



News

FOR IMMEDIATE RELEASE
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UPDATE: Federal Court Order Stops Offsite Custom Fabrication Prevailing Wage Law from Taking Effect Until Further Notice

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ALBANY, N.Y. — New York’s newly enacted amendment to the prevailing wage law, N.Y. Labor Law § 220(3)(f), which was set to take effect and extend the prevailing wage law regulatory framework to off-site custom fabrication on June 18, 2026, is on hold until further notice pursuant to a Consent Order for Preliminary Injunction signed by federal court Judge Anne M. Nardacci of the Northern District of New York earlier today.

The order, which all parties agreed to, follows the filing of a Complaint and Emergency Motion for a Temporary Restraining Order and Preliminary Injunction by the Associated General Contractors of New York State (AGC NYS) and a coalition of business and construction industry organizations and contractors, seeking to stop the amendment from taking effect, and challenging it as unauthorized, unworkable, and unconstitutional.

The Consent Order for Preliminary Injunction achieves the first of these goals by pausing the new law during the first steps of the case. It means:

- No public owners, including agencies, municipalities, and school districts, and no private owners, including owners of private projects that are subject to New York State prevailing wages, are required to comply with the amendment, or to include its terms as conditions of their contracts;
- No general contractor, subcontractor, fabricator, or other project participant, regardless of location, is required to comply with the amendment or any of its conditions; and
- The NYS Department of Labor, Bureau of Public Work and Prevailing Wage Enforcement, and Attorney General are all barred from enforcing the amendment against any public owner, contractor, subcontractor, fabricator, or other project participant.

The preliminary injunction will remain in effect, and the amendment will remain entirely suspended, until the Court rules on the parties’ initial motion papers, which are scheduled to be fully submitted by August 25, 2026. The full text of the Consent Order [can be found here](#). To read the original complaint, [click here](#).

AGC NYS and its attorneys, Hinckley, Allen & Snyder LLP, will continue to keep you apprised of any developments as they occur. In the interim, the coalition is proud to have stopped an unworkable, unconstitutional law from going into effect for at least several months, sparing the industry that builds New York’s public infrastructure and New York’s taxpayers from the serious harms the amendment would cause. The fight will continue as the coalition presses forward with its challenge to have the amendment invalidated in full.

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The Associated General Contractors of New York State (AGC NYS) is the leading voice of the building, highway-heavy, and utility construction industry in New York. Founded in 1926 and celebrating its centennial in 2026, AGC NYS represents approximately 600 member companies dedicated to the ideals of skill, integrity, and responsibility. For more information, visit www.agcnys.org