



LEGISLATIVE MEMO
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MEMORANDUM OF OPPOSITION

BILL: S.9843 (Ramos) / A.6950 (Cruz)

SUBJECT: Enacts "The Construction Reporting Pay Act"

DATE: June 2, 2026

The Associated General Contractors of New York State, (AGC NYS) the leading statewide trade association representing union and open shop construction companies, opposes S.9843 (Ramos) / A.6950 (Cruz) which imposes an inflexible and costly prevailing wage mandate on public work.

The construction industry is a dynamic occupation for both indoor and outdoor worksites with multiple workers and unforeseen conditions such as safety concerns, emergencies, weather, disputes, multiple jobsites, or other circumstances.

For example, if a worker is sent home for disciplinary reasons or poses a safety concern, this bill would unjustly require prevailing wages for that worker. Disputes could arise over wages with some workers at different jobsites at different rates including a new law effective June 18, 2026, that requires the payment of prevailing wages on public work for globally sourced custom fabricated products. On custom fabricated products a worker could only work for one hour but under this bill be paid for four hours. Thus, a custom fabricator in New Jersey or Germany would be eligible under this bill. This bill does not consider the dynamic nature of construction and unforeseen conditions that could impede building a hospital, rebuilding roads and bridges, environmental infrastructure, or any other construction requiring prevailing wages.

With the current worker shortage and billions in public work for the construction industry, AGC NYS is unaware of contractors sending workers home unjustly without pay. Simply put, construction workers are in high demand and short supply.

AGC NYS opposes this bill as drafted because it would impose an inflexible and costly mandate requiring that employers in the construction industry provide four hours pay at the prevailing or negotiated rate if a worker comes to the job and is sent home, and two (2) hours pay at that rate if a shift is canceled with less than twelve (12) hours' notice. The sponsors make a fiscally reckless claim that the bill has no fiscal impact. Clearly, this bill has an enormous fiscal impact on taxpayers, the New York State Department of Labor which will be required to regulate and enforce these provisions with limited staff, and adds risk and costs to general contractors bidding on all public works projects.

AGC NYS urges the Senate to reject S.9843 (Ramos) / A.6950 (Cruz).