**\*\*\*USE YOUR LETTERHEAD\*\*\***

**MEMORANDUM OF SUPPORT**

**A.5498- A (Bronson)**

**S.2975-A (Murphy)**

**(Insert Date)**

(Insert name of your union and local number) supports A.5498-A – S.2975-A which would define “public work” to include all projects that receive government funding or resources, unless a statuary exception applies. The “public work” designation is important because the New York State Constitution and Article 8 of the labor law both require the payment of prevailing wages on public works construction projects. When the prevailing wage applies, all contractors are on a level playing field with respect to their labor rates so that they aren’t forced to compete for contracts based on how low they pay their workers.

“Public work” is not currently defined in the prevailing wage law or constitution, so disagreements sometimes arise about whether a project qualifies. In deciding some of these disagreements, the courts have significantly narrowed the scope of the prevailing wage law such that it is significantly inconsistent with those who drafted, proposed, and ratified the constitutional provision in 1938. The historical record of the 1938 Constitutional Convention makes clear that an expansive view of “public work” is required; not the restrictive view that has been applied by the courts. The resulting case law has re-shaped New York’s public policy to favor the interests of business over the rights of working men and women.

It’s time to restore the law to its original intent and require the payment of prevailing wages whenever the government expends public resources, unless a statuary exception applies. Prevailing wages promote strong middle class communities, quality apprenticeship programs, safe worksites, local hiring practices, and the use of New York State-based contractors. For these reasons, (insert name of your local union) SUPPORTS A.5498 – S.2975 and urges it passage.

**For more information:**

(Insert name of business manager/political director)

(Insert phone number)