



**BUILDING &  
CONSTRUCTION  
TRADES COUNCIL  
OF GREATER NEW YORK**

**GARY LaBARBERA**  
PRESIDENT

AFFILIATED WITH THE  
BUILDING CONSTRUCTION TRADES DEPARTMENT  
OF WASHINGTON, DC  
**NBTU**  
NYS BUILDING AND CONSTRUCTION TRADES COUNCIL  
AMERICAN FEDERATION OF LABOR AND CONGRESS  
OF INDUSTRIAL ORGANIZATIONS

January 28, 2026

Ms. Claudia Henriquez  
Assistant Comptroller for Labor Law  
Bureau of Labor Law  
1 Centre Street, Room 651  
New York, NY 10007

**RE: Comments on Proposed Rules  
New Chapter 6 to Title 44 of the Rules of the City of New York  
Implementing Wage Requirements under Real Property Tax Law §485-X**

Dear Ms. Henriquez:

The Building and Construction Trades Council of Greater New York & Vicinity (the “BCTC”) is an organization of local building and construction trade unions that are affiliated with 15 International Unions in the North American Building Trades Union. Our local union affiliates represent approximately 100,000 union construction workers. The BCTC’s mission is to raise the standard of living for all workers, to advocate for safe work conditions and to collectively advance working conditions for our affiliates’ members, as well as all workers in New York City.

We applaud the Office of the Comptroller’s efforts in enforcing construction labor standards in our City. These standards are in place to ensure working people receive a fair day’s pay for a fair day’s work. Enforcement of these standards supports our middle class and ensures that good contractors are competing on a fair and level playing field. We believe the proposed regulations submitted by the Office of the Comptroller provide another example of its efforts to protect the working people of this City and ensure fair competition. We thank you for the opportunity to submit comments on the proposed rules in new Chapter 6 to Title 44 of the Rules of the City of New York to implement the wage requirements for construction employees under Real Property Tax Law Section 485-X. The comments below are targeted to specific sections of the proposed rules that we believe should be amended to further capture the meaning and intent of §485-x of the Real Property Tax Law.

**Comments on §6-03(h):**

Paragraphs (a), (b), and (c) of subdivision 3 of §485-x of the Real Property Tax Law (“RPTL”) sets forth the construction wage requirement (hourly rate of wages and supplements) to be paid to construction workers. Paragraph (b) specifies that the minimum hourly rate of wages

and supplements to be paid to construction workers shall be the lesser of \$72.50 (to be increased each year) or 65% of the “**greatest prevailing rate of wages and supplements within a classification.**” (emphasis added). Paragraph (c) specifies that the minimum hourly rate of wages and supplements to be paid to construction workers shall be the lesser of \$63 (to be increased each year) or 60% of the “**greatest prevailing rate of wages and supplements within a classification.**”

Section 6-03(h) of the proposed rules seeks to define and clarify the phrase “greatest prevailing rate of wages and supplements within a classification.” The phrase “greatest prevailing rate of wages and supplements within a classification” is clear and unambiguous. The proposed rule appears to create a distinction between “Title” and “Classification” that does not currently exist on the Comptroller’s published prevailing wage scales. It provides:

(h) The greatest prevailing rate of Wages and Supplements within a classification, as referenced in paragraphs (b) and (c) of subdivision 3 of § 485-x of the RPTL, means the highest rate of Wages and Supplements listed for a specific job classification in the Construction Worker Schedule or Construction Apprentice Schedule, as applicable. When a classification provides for varying rates of Wages and Supplements based on the number of years of employment in the industry, the highest rate of pay must be used, regardless of a particular worker’s actual years of experience in the industry. Where there is only one rate of Wages and Supplements within a title in the Construction Worker Schedule or Construction Apprentice Schedule, as applicable, such rate shall be the greatest prevailing rate of Wages and Supplements within a classification, as illustrated in Example 1 below. Where a title contains multiple classifications that reflect different work duties, the greatest prevailing rate of Wages and Supplements within a classification refers only to the particular classification, and not to other classifications within the same title, as illustrated in Example 2 below.

....

The Comptroller’s published Construction Worker Schedule does not reference the term “Title.” It provides that “[t]his schedule is a compilation of separate determinations of the prevailing rate of wage and supplements made by the Comptroller for each trade classification listed herein pursuant to Labor Law section 220(5).” See <https://comptroller.nyc.gov/wp-content/uploads/documents/ConstructionWorkersSchedule-2025-2026.pdf>. The Table of Contents proceeds to identify the seventy-four trade classifications. Section 485-x(b) and (c) of the RPTL mandates that the highest Wage and Supplement rate within the appropriate classification is to be utilized when determining the appropriate applicable minimum rate.

Section 6-03(h) of the proposed rules introduces the term “Title” and then suggests that some “Titles” may have multiple classifications. This is not an accurate description of how rates are attributed to classifications in the published schedules. A given classification may specify multiple rates, but the State Legislature was aware of this dynamic and expressly provided that in

such circumstances, the greatest of the various rates shall apply. The introduction of the term “Title” in the proposed rules creates a distinction between “Titles” and “Classifications” that is inconsistent with the method by which prevailing wage rates are posted. It also conflicts with the clear legislative directive set forth in §485-X(3)(b) and (c) of the RPTL by allowing workers to earn wages based on something other than “greatest prevailing rate of wages and supplements within a classification.”

The proposed rule in Section 6-03(h) should be revised to be compatible with the clear legislative directive that workers minimum wage and supplement rates are based on the “greatest prevailing rate of wages and supplements within a classification.”

#### **Comments on §6-04:**

Section 485-x of the RPTL excludes covered sites from the construction wage requirement where such construction work is performed under a project labor agreement. An applicant should be required to verify the existence of the Project Labor Agreement in a sworn statement and there should be a mechanism to penalize an applicant who falsely submits such verification. However, the Project Labor Agreement itself, and the terms and conditions set forth therein are not public records. Proposed Rule §6-04(a)(1)(A), would effectively render each Project Labor Agreement governing construction work on a Covered Site a public record. We do not believe this is the intent or purpose of Section 485-x of the RPTL. The requirement to make such information public may possibly hinder negotiations between the applicable parties to the Agreement. Additionally, it is only the existence of the Project Labor Agreement that is necessary to attain an exclusion from the construction wage requirements, not any of the specific terms set forth therein. The existence of the project labor agreement can be verified by less intrusive means and without disclosing the specific terms of the agreements reached. The proposed rule should be revised to require the verification of the existence of a Project Labor Agreement subject to penalty, without requiring full disclosure of the terms and conditions contained in the underlying agreement.

#### **Comments on §6-05:**

RPTL §485-x(3)(e) is a record keeping requirement that provides:

The owner of an eligible site shall be responsible for retaining original payroll records in accordance with section two hundred twenty of the labor law, as modified by paragraph (a) of this subdivision, for a period of six years from the completion date. All payroll records maintained by an owner pursuant to this subdivision shall be subject to inspection on request of the fiscal officer. Such owner may authorize the prime contractor on the eligible site to take responsibility for retaining and maintaining payroll records but will be held jointly and severally liable for any

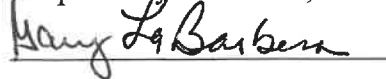
violations of such contractor. All records obtained by the fiscal officer shall be subject to the freedom of information law.

The purpose of the record keeping requirement is to ensure that the Comptroller has the means to investigate and enforce the construction wage requirements in §485-x (3) (a-c) of the RPTL. The proposed rules in §6-05 ensure that the records necessary for the Comptroller to verify that the appropriate wage and supplements were paid on a Covered Site are maintained and preserved. These are the documents necessary to enforce the construction wage requirements set forth in §485-x(a-c) of the RPTL. It must be noted that § 485-x(3)(h) of the RPTL exempts eligible sites that are subject to a Project Labor Agreement from the construction wage requirements of paragraphs (a), (b), (c), and (d) of subdivision § 485-x(3). Similarly, §485-x(3)(i) of the RPTL exempts all or any portions of eligible sites from the construction wage requirements of paragraphs (a), (b), (c), and (d) of § 485-x(3) of the RPTL to the extent that a Jobsite Agreement or a Collective Bargaining Agreement has expressly waived these requirements. As the construction wage requirements do not apply to eligible sites where there is a Project Labor Agreement or to those workers on eligible sites covered by a Jobsite Agreement or a Collective Bargaining Agreement, there is no need to verify or enforce the construction wage requirements where there is a Project Labor Agreement or with respect to those workers covered by a Jobsite Agreement or a Collective Bargaining Agreement.

The proposed rule in §6-05 should be amended to clarify that the record keeping requirement is not applicable to: 1) eligible sites that are excluded from the construction wage requirement because construction work is performed under a Project Labor Agreement; and 2) contractors or owners excluded from the construction wage requirement on an eligible site with respect to only those construction employees of the contractor that are performing construction work on the eligible site under a Collective Bargaining Agreement or a Jobsite Agreement with the appropriate waiver.

We thank you again for the opportunity to submit comments to the proposed rules and look forward to working cooperatively with the Office of the Comptroller to ensure that the benefits of §485-c of the Real Property Tax Law are realized by our City and its construction workers.

Respectfully submitted,



Gary LaBarbera, President

Building and Construction Trades Council

Of Greater New York & Vicinity