

How contractors can navigate local hiring requirements, *ConstructionDive*, ft. Andrew Richards

Andrew Richards, Co-Managing Partner at Kaufman Dolowich & Voluck, LLP in Long Island, was quoted in an article written by Kim Slowey for Construction DIVE, (November 14, 2017) -

Contractors participating in publicly funded construction projects often run up against conditions they might not otherwise come across in private work.

Such requirements can range from payment and performance bonds, to paying prevailing wages or submitting certified payroll forms on a regular basis. While some of those conditions may be easier to comply with than others, few are as contentious as local hiring requirements, or those that ensure a predetermined percentage of the job's workforce come from within the project's surrounding area.

Lawmakers in Erie County, NY, recently enacted a rule that requires any county construction project costing more than \$250,000 and using at least three workers to maintain a local workforce made up of individuals from eight surrounding counties. Officials say the new order will create more opportunities for those in the region's pre-apprentice programs to move to full apprenticeships, eventually jumpstarting skilled labor pipeline.

Critics say the requirement — and others like it — can be a drag on a project's finances and construction timeline. More still, some have even determined such requirements to be unlawful. Taken together, those critiques have prompted some states to prevent government agencies from implementing these types of requirements altogether.

There are not enough workers. It's just that simple.

Andrew Richards

Chair of the construction practice group at Kaufman Dolowich & Voluck

According to Andrew Richards, chair of the construction practice group at Kaufman Dolowich & Voluck, local hiring requirements today are scarce in New York City agency construction contracts given the shortage of skilled labor. "There are not enough workers," he said. "It's just that simple."