



## EASTERN NEW YORK SOCIETY OF LAND SURVEYORS INCORPORATED

Charter Affiliate of the New York State Association of Professional Land Surveyors

P.O. Box 4399, Clifton Park, N.Y. 12065-4399

Visit us on the web at [www.enysls.org](http://www.enysls.org)

### SUSTAINING MEMBERS

BRANDIS AND SONS, INC.  
34 Irvington Street  
Pleasantville, NY 10570  
Contact: Douglass Leaf, Jr.  
914-769-8500  
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BUNCE POSITIONING  
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104 Moody Street  
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1-800-225-9400  
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GIFFORD ABSTRACT CORP.  
206 Lafayette Street  
Schenectady, NY 12305  
518-374-1323  
Contact: Thomas Gifford

LAFAVE WHITE MCGIVERN  
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315-628-4414  
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MINGOLO PRECISION  
PRODUCTS  
174 South Main Street  
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Contact: Matthew Marchioni

SAGE CAD APPLICATIONS,  
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WAYPOINT TECHNOLOGY  
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17 Computer Drive East  
Albany, NY 12205  
518-438-6293  
Contact: Jonathan Cobb  
/ Greg Hunt

### MINUTES GENERAL MEMBERSHIP MEETING

Thursday, March 13, 2008  
Moscatiello's Restaurant, Troy, NY

President Whimple called the meeting to order at approximately 7:45 P.M.

#### President's Report: Bill Whimple

There have been recent changes to NY Labor Law regarding reporting of Prevailing Wages on paychecks, and also the requirement for a 10-hour OSHA safety course for all persons working on certain job sites (see attached letter). More information to follow when the Dept. of Labor promulgates specific rules for the courses. It was suggested that these courses are few and far between, and that perhaps NYSAPLS should look at making courses like this available to Surveyors.

NYSAPLS is looking to develop an LS exam review course for the New York State Specific exam and/or a set of reference materials.

The NYSAPLS 2009 Conference has been relocated to Albany, and the 2010 and 2011 conferences will be at the Turning Stone.

#### Executive Vice-President's Report: Gordy Matson – Nothing to Report

#### Vice-President's Report: Kevin Waldruff – Nothing to Report

#### Committee Reports:

-----Standing Committees-----

#### Constitution & By-Laws: Nothing to Report

#### Scholastic Development: Kristin Demers:

Paul Smith's Shadow Day is being planned for Thursday, April 10, 2008. Anyone interested in participating should contact Kristin at [kristin@darrahlandsurveying.com](mailto:kristin@darrahlandsurveying.com), or at 798-4692 or 798-6554. The Shadow day will follow a similar format to last year, at the same hotel, with an informal dinner meeting that evening with the Board, students and sponsors.

#### Ethics and Business Practices: Howie Johannessen – Nothing to Report

#### Continuing Education: Jody Lounsbury, Chuck Lent – No Report

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518-438-6293  
Contact: Jonathan Cobb / Greg Hunt

Finance: Bill Darling - Nothing to Report

Membership: Gordy Matson – Nothing to Report

Legislative: Howie Johannessen – Nothing to Report

Program: Bill Whimple  
President Whimple discussed the plans for Past Presidents' Night in May.

Public Relations: Wayne Willson – Nothing to Report

Technical Information: Eric Crampton – Nothing to Report

-----Temporary and Ad-hoc Committees-----

Website and Archival Information: Kurt Heiss – Nothing to Report

**Old Business:**

None

**New Business:**

Jennifer Mauer, NYSAPLS Executive Secretary, gave a short introduction and mentioned the change in the conference venue to Albany for 2009.

The meeting was adjourned at approximately 8:00 P.M, and Robert Prescott gave a presentation on Photography, including pictures from Mt. Washington and New Mexico, followed by an ENYSL Scholarship Fund Raffle.

**The next meeting of will be held on Thursday, May 8<sup>th</sup>, 2008 and will be Past Presidents' Night.**

Respectfully Submitted,  
**Kurt J. Heiss, LS**  
**ENYSLS Secretary**  
**heisskj953@roadrunner.com**

**EASTERN NEW YORK SOCIETY OF LAND SURVEYORS, INC.**

President: William Whimple	Don Darrah	2009	Matthew Bove	2010	Bill Darling	2011
Exec. Vice-President: Gordon Matson	C. Howard Johannessen	2009	Kevin Waldruff	2010	Kurt Heiss	2011
Vice-President: Kevin Waldruff	Gordon Matson	2009	William Whimple	2010	Robert J. Ihlenburg	2011
Secretary: Kurt Heiss	Kristin Demers	2009	Eric Crampton	2010	Carl Rigdon	2011
Treasurer: Robert J. Ihlenburg	Past President - Joseph Malinowski					

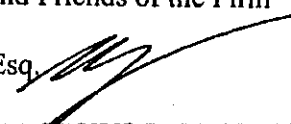
Director N.Y. State Assoc. of Professional Land Surveyors - William Whimple (518) 732-4190  
Director N.Y. State Assoc. of Professional Land Surveyors - Gordon Matson (518) 783-6054  
President's Address - 38 Orchard Road, Castleton on Hudson, NY 12033 - wwimple@cha-llp.com

# Goldberg & Connolly

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Henry L. Goldberg  
MEMBER N.Y. AND FLA. BAR

TO: Clients, Colleagues and Friends of the Firm  
FROM: Henry L. Goldberg, Esq.   
RE: Important Changes to the NYS Labor Law

1. Effective February 24, 2008 – Required Prevailing Wage Notification
2. Effective July 18, 2008 – Mandatory Safety Course Certification

DATE: February 7, 2008

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## I. New Prevailing Wage Law Notice Requirement.

Effective February 24, 2008, all employers on public works projects in NYS must include on each employee's weekly pay stub, the prevailing wage classification and rate for that employee's particular work. The rate to be included on the pay stub is the applicable prevailing wage rate for the individual employee ("laborer, worker or mechanic"), not his actual rate of pay. In some instances, employees may be paid more than the prevailing wage rate.

If an individual is covered by more than one job classification within a payroll period, then each such classification and prevailing wage rate must be reported on the pay stub.

The prevailing rate is for direct labor only, not fringe benefits, unless such benefits are paid directly to the employee through a cash equivalent payment in the particular paycheck.

In addition, the new law requires the following annual notices:

- At the beginning of performance of every public works contract and with the first paycheck after July first of each year, the contractor and every subcontractor shall notify all applicable employees, in writing, on the form to be prescribed by the NYS Department of Labor, of his right to be paid the prevailing wage and of the telephone number and address of the Department.
- This annual notice shall also inform each applicable employee of his right to contact the NYS Labor Department if he does not receive the proper prevailing wage or supplement.

If after investigation, the Commissioner of the NYS Department of Labor finds that a contractor, or subcontractor has: (A) failed to post any notice required, (B) failed to set forth the prevailing wage on the pay stub, (C) willfully posted the incorrect prevailing wage, or (D) willfully set forth the incorrect prevailing wage on the pay stub, the Commissioner shall assess the contractor, or subcontractor, a civil penalty of not more than \$50 upon the first finding of a violation, \$250 upon the second finding of a violation, and \$500 for each subsequent violation. In assessing the amount of the penalty, the Commissioner is required to give due consideration to the size of the employer's business, the good faith of the employer, and the gravity of the violation.

It is unclear from the statute what exactly the Department of Labor will consider a "violation". Does a violation relate to the entire week's payroll for an employer, or to each individual employee's paycheck? If a violation relates to individual payroll checks, contractors could be exposed to substantial civil penalties.

Since the good faith of the employer is a mitigating factor regarding the assessment of civil penalties, it is a good idea to take clear steps demonstrating your efforts towards compliance. You should consult with your payroll service provider or internal payroll management staff to discuss the new reporting requirements and to determine how those requirements can best be incorporated into your payroll system.

The New York State Department of Labor is currently developing a publication which will set forth further details. Once the publication is complete, it will be posted on the DOL's website: [www.labor.state.ny.us](http://www.labor.state.ny.us).

## **II. New Mandatory Construction Safety & Health Course Certification**

As of July 18<sup>th</sup> of this year, all workers on any public works project (state or municipal) in excess of \$250,000 must be certified as having completed a 10 hour U.S. Dept. of Labor OSHA – approved safety course. This safety requirement must be complied with whether the worker is employed by a general contractor, subcontractor or other entity doing, or contracting to do, the work contemplated by the contract. Further, for those covered under this new law, the 10 hour construction safety course must actually be completed prior to the performance of any on-site work.

The new law requires that all public works construction contracts after July 18, 2008 contain a provision implementing this new state-wide requirement. The Legislature left to the NYS Dept. of Labor the responsibility to promulgate rules and regulations enforcing this new section and we, again, anticipate further details shortly.