



EASTERN CONTRACTORS ASSOCIATION, INC.

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August 3, 2022

The Honorable Kathy Hochul
Governor of the State of New York
Executive Chamber
State Capitol
Albany, New York 12224

RE: Veto – S8435 (Comrie) / A8449 (Paulin)

Dear Governor Hochul:

On behalf of Eastern Contractors Association, Inc. (ECA), we urge you to veto S8435 (Comrie) / A8449 (Paulin), which amends the business corporation law and the limited liability company law in relation to requiring certain companies and corporations to report certain data regarding the gender, race, and ethnicity of their employees.

ECA is a trade association of general contractors, subcontractors, suppliers, and service firms engaged in commercial, industrial, and institutional construction throughout eastern New York. ECA traces its history to 1890 and is the region's only "full-service" contractor association serving the needs of all segments of the construction industry. The Association's footprint covers counties in the eastern part of New York State, from just south of Albany up to the Canadian border and as far west as Utica.

ECA believes that this legislation is unnecessary and duplicative of Executive Order 162. This bill would establish another mandate on business by requiring substantially similar information contained in the Employer Information report EEO-1 be filed with the New York Secretary of State. EO 162 already requires state contractors to disclose data on the gender, race, ethnicity, job title, and salary of employees performing work on state contracts issued and executed on or after June 1, 2017. Since January 1, 2018, New York State Agencies and Authorities have required that all contracts and procurements subject to Executive Law Article 15-A to comply with this additional disclosure requirement and have required the same information to be submitted by will require by any subcontractors on the state contract.

This bill also requires companies which are required to file an Employer Information report EEO-1 with the federal Equal Employment Opportunity Commission (EEOC) to file substantially similar information with the New York Secretary of State. This information will then be made available the Department. Since many of our members

already file the EEO-1 forms with the EEOC, this additional requirement to file with the Secretary of State is redundant and further places an additional amount of work on these companies.

Under EO 162, the frequency of reporting dramatically increased the compliance workload required for contractors performing work for NYS. The additional time required to ascertain and collect various pieces of information, much of which had never before been collected, from both individual prime contractors and their subcontractors is an enormous administrative undertaking. This bill will create a duplicative process of reporting data that is already required by EO 162 and make it increasingly difficult for our members to do business in NYS.

For these reasons, we are respectfully asking that you veto S8435 (Comrie) / A8449 (Paulin).

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd G. Helfrich", with a stylized flourish at the end.

Todd G. Helfrich
President and CEO

CC: Karen Perischilli Keogh, Secretary to the Governor
Elizabeth Fine, Counsel to the Governor