

Construction Labor Provider Self-Certification

This Self-Certification includes four parts:

- PART I (general information)
- PART II (compliance with laws, rules, and regulations)
- PART III (judgments, insurance, and registered agent information)
- PART IV (certification, penalty for false statements, and signature)

Instructions: An owner of the business (e.g., sole proprietor, general partner, director, corporate officer, member, or shareholder owning 10% or more of company stock) must complete this form by providing current information for the business and affirming that the responses are true and complete. For the purposes of this form, the terms “you,” “your,” and “Applicant” refer to the business entity applying for a license or renewal.

You must complete all four PARTS of this form. If you do not fully complete and return this Self-Certification, DCWP will deny your application for a license.

PART I: GENERAL INFORMATION

Applicant / Licensee Information:			
(A) Legal Name of Business: <i>(Must be exactly as filed with the New York State Secretary of State or County Clerk.)</i>		(B) Doing-Business-As (DBA)/Trade Name, if applicable:	
(C) Business Address: <i>(Building Number, Street Name, Apartment/Suite/Other)</i>			
City:	State:	ZIP Code:	Country/Region: <i>(if outside USA)</i>

PART II: COMPLIANCE WITH LAWS, RULES, AND REGULATIONS

Section 1: General Provisions

I, _____, certify the following:

1. I am authorized (e.g., owner, sole proprietor, general partner, director, corporate officer, member, or shareholder owning 10% or more of company stock of the Applicant) to complete and sign this Construction Labor Provider Self-Certification on behalf of the business named on page 1.
2. I have read and understand that the Applicant is responsible for complying with all federal, state, and City laws, regulations, and rules applicable to doing business as a construction labor provider, including but not limited to the following:
 - Title 20 of the New York City Administrative Code (NYC Admin. Code) at Chapter 1 beginning at Section 20-101 and Title 6 of the Rules of the City of New York (6 RCNY) beginning at Section 1-01 (License Enforcement law and rules)
 - NYC Admin. Code Title 20, Chapter 2, Subchapter 37 beginning at Section 20-564 to Section 20-564.6 and 6 RCNY, Chapter 2, Subchapter LL beginning at Section 2-471 (Construction Labor Providers law and rules)
 - NYC Admin. Code Title 20, Chapter 8 beginning at Section 20-911 and 6 RCNY, Chapter 7, Subchapter B beginning at Section 7-201 (Paid Safe and Sick Leave law and rules)
 - 29 U.S.C. § 651 et seq.; 29 C.F.R. Part 1903.1 et seq. (Occupational Safety and Health Act of 1970)

I can access the above laws and rules via nyc.gov/dcwp. (Click “About,” then “Laws.”)

3. I understand that the Applicant is responsible for knowing and complying with the most current laws, including any amendments and updates to the laws that are relevant to the construction labor provider business.

Section 2: Specific Requirements

Definition:

Covered construction worker: a person who is employed by a construction labor provider to perform construction work or manual labor on a construction site in New York City.

Review, then certify this Section.

Licensing Requirements

- Applicant will not act as a construction labor provider in New York City, as defined by NYC Admin. Code § 20-564, at any time without holding a license from the Department of Consumer and Worker Protection (DCWP).
- Applicant will include the business name, address, and DCWP license number on all contracts, agreements, receipts, application forms, notices to covered construction workers, advertisements, correspondence, business cards, and other printed matter pertaining to the construction labor provider business.

Written Notice Requirements

- Applicant will give **all candidates for employment** for their signature a *Notice of Certification* with any legally required certifications, trainings, or other designations *before* candidates are asked to sign an employment contract or otherwise agree to work for the construction labor provider and anytime requirements change without undue delay.

Note:

- Applicant must also give the *Notice of Certification* to covered construction workers who were hired before the date Applicant obtained a license.
- Applicant must give all relevant parties (candidates for employment; covered construction workers hired before the date Applicant obtained a license) the *Notice of Certification* in English and in the language identified by candidates and workers as their primary language.

- Applicant will give **all covered construction workers** for their signature:

- *Notice of Rights*: discloses key worker protections

Note:

- Applicant must give the *Notice of Rights* to new workers at the time of hire and to existing workers who were hired before the date Applicant obtained a license.
- Applicant must give all workers the *Notice of Rights* in English and in the language identified by workers as their primary language.

- *Notice of Assignment*: discloses the nature of the work assignment and required equipment and protective clothing

- For contracts offered by a client more than 24 hours before a job, Applicant must give the completed notice at least 24 hours before assigning workers to the job.
- For contracts offered by a client less than 24 hours before a job, Applicant must give the completed notice within 72 hours of assigning the job, unless the assignment is completed before that time.

- Applicant must follow the procedures for providing translations of written notices, in English and languages identified by applicants or workers, as outlined in Title 6, Chapter 2, Subchapter LL of the Rules of the City of New York. Notices are available at nyc.gov/BusinessToolbox.
- Applicant will maintain the notices with signed statements from candidates and workers confirming that they received, read, and understood the notices that Applicant gave them.
- Applicant will give clients to whom Applicant is supplying covered construction workers and, if applicable, owners of the properties where work is performed, a copy of the Notice of Rights and Notice of Assignment no later than seven (7) days after the day covered construction workers began work at the worksite. Applicant will give notices to clients on request at any time during the project.

Records Requirements

- Applicant will maintain and have available for inspection by DCWP for three (3) years all records sufficient to demonstrate compliance with the Licensing and Written Notice requirements, including but not limited to:
 - completed contracts and agreements;
 - construction project records;
 - copies of completed notices with signed statements from candidates and workers confirming that they received required notices;
 - invoices; and
 - receipts for the construction labor provider business.
- Applicant will cooperate with all DCWP inspections and investigations of the construction labor provider business, including but not limited to, responding to any subpoena or document request issued by DCWP. All records produced shall be made available electronically upon request.
- Applicant will make all reasonable efforts to resolve any complaints that consumers or workers file with DCWP about the construction labor provider business and will respond in writing to DCWP within 20 days of receiving notice of a complaint.

Prohibited Discriminatory Practices

- Applicant will not discriminate against any covered construction worker because of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, immigration or citizenship status, or other protected class when providing construction labor provider services.

I, _____, certify that I have read Section 2 and understand that the Applicant is responsible for complying with all requirements.

PART III: JUDGMENTS, INSURANCE, AND REGISTERED AGENT INFORMATION

Section 1: Outstanding Final Judgments, Warrants, or Unfavorable Decisions

Check the box that applies to Applicant. Applicant includes but is not limited to individual sole proprietor, each general partner, director, corporate officer, member, or shareholder owning 10% or more of company stock.

The following statements are accurate.

1. Applicant does ***not*** have any outstanding final judgments or warrants for business practices as a construction labor provider.
2. There has ***not*** been a final determination of liability against the Applicant in a civil, criminal, or administrative action involving egregious or repeated nonpayment or underpayment of wages or other illegal acts or omissions pertaining to business practices as a construction labor provider that has not been previously reported to DCWP.

OR

The statements above are ***not*** accurate. Applicant has an outstanding final judgment(s); a warrant(s) for business practices as a construction labor provider; or an unfavorable determination(s) related to its business as a construction labor provider that has not been previously reported to DCWP.

*If you checked this box, you must provide **all** requested information below. Attach a copy of any judgment, decision, or warrant. Attach additional sheets if necessary.*

Name of Case:	
Index, Summons, or Case Number:	
Court or Agency:	
Status of Judgment or Warrant: <i>(e.g., resolved, unresolved, and, if resolved, provide the date it was resolved)</i>	
List any attachments: <i>(e.g., decision, dated __/__/__)</i>	

Important: You may not sign this Self-Certification as complete without providing all requested information in this Section.

Section 2: Insurance Coverage Required

Review, then certify this Section.

1. Applicant maintains a commercial general liability insurance policy in the amount of \$1 million per occurrence and \$2 million in the aggregate.
2. Applicant maintains workers' compensation coverage for its covered construction workers.
3. Applicant maintains unemployment insurance for its covered construction workers.
4. Applicant maintains disability insurance for its covered construction workers.
5. Applicant maintains paid family leave insurance for its covered construction workers.

I, _____, certify that the Applicant meets these five insurance coverage requirements.

Important: If you are unable to certify this Section, DCWP will deny your application.

Section 3: Registered Agent Information

If you are NOT a resident of New York City, you must provide below the name and address of a registered agent in New York City upon whom process or other notification may be served.

Name of Registered Agent:	
Address, telephone number, and email:	

Additional Comments

If you feel that you need to provide more information for any of your answers in the preceding Sections, please use the space below to do so. Attach additional sheets as necessary.

PART IV: CERTIFICATION, PENALTY FOR FALSE STATEMENTS, AND SIGNATURE

I am authorized to complete and submit this Construction Labor Provider Self-Certification. I have reviewed the entire Self-Certification. To the best of my knowledge, this Self-Certification is true, correct, and complete.

If any of the information in this Self-Certification changes, Applicant must notify the Department of Consumer and Worker Protection in writing within 10 days of the change.

This Self-Certification shall be deemed executed in the City and State of New York and shall be governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States.

PENALTY FOR FALSE STATEMENTS:

Making a false statement or submitting fraudulent materials may be punishable by fine, imprisonment, or both, and also may result in the denial of your application or revocation of your license.

Under Section 175.35 of the New York Penal Law, you may be:

- fined up to \$5,000 or
- fined an amount that is twice the amount of money you received by making the false statement and / or
- sent to jail for up to 4 years

Punishment may also include but not be limited to fines or penalties of up to \$500 for each false statement.

If DCWP denies your license application due to false statements and/or falsified documents, DCWP may prohibit you from submitting another license application for the same license category for one year.

By signing below, I understand and agree that I am swearing or affirming that I have told the truth on this form.

If you submit this form as an electronically filled-in PDF, you may type your name in the signature field.

Signature

Print Name

Print Position/Title (if any)

Date

All laws and rules of the City of New York, including the New York City Consumer Protection Law and Rules, are accessible via nyc.gov/dcwp.

02/05/2024