



AP Photo

Court puts brakes on Oyster Bay's apprenticeship law

By: [David Winzelberg](#) February 8, 2018 [0](#)

A federal court judge issued a preliminary injunction Wednesday against the Town of Oyster Bay's apprenticeship law, paving the way for non-union contractors to once again work on large construction projects in the town.

The controversial law required contractors working on projects of 100,000 square feet or more to have a state-approved apprenticeship program, which effectively eliminated most non-union competition and forced developers to hire union contractors instead.

The lawsuit against the Oyster Bay law was filed by attorney Jonathan Farrell of Mineola-based Meltzer Lippe on behalf of Hartcorn Plumbing and Heating and the Long Island and New York Mechanical Contractors Association.

"These laws are remarkably illegal and pernicious," Farrell told LIBN. "The fact that they are popular on Long Island is an irrelevancy. As these statutes particularly pertain to private work, they are enacted to benefit a select group of unionized contractors to the detriment of other union and non-union contractors, consumers and taxpayers."

Oyster Bay officials would not say whether they will appeal or challenge the injunction.

"The town does not comment on pending litigation or legal strategies," said a town spokesman via email.

Kyle Strober, executive director of the Association for a Better Long Island, which has joined the effort to overturn apprenticeship laws, said the legislation was "clearly created" for political expediency.

"The requirement made it virtually impossible for middle-sized construction companies, founded by Long Island middle-class families and employees, to compete against large corporations that could absorb the costs of this cynical requirement," Strober said via email. "In addition, the ordinance

exponentially increased costs for new development on Long Island, further harming our region's ability to compete for new investment."

Matthew Aracich, the newly minted president of the Building Trades Council of Nassau and Suffolk County, which represents 37 area construction unions, said he is reserving comment until he can get all the information surrounding the Oyster Bay case verified by counsel. The labor group has previously argued that apprenticeship program requirements are essential to maintain proper workplace safety and ensure that Long Island projects are worked on by skilled local contractors. Several Long Island municipalities, including the towns of Brookhaven, Babylon, Huntington, North Hempstead, the City of Long Beach have enacted similar legislation in the last decade or so. It's likely that other lawsuits will soon follow aimed at invalidating those apprenticeship requirements as well. The Town of Islip had tried to institute a similar apprenticeship law in 2011, but was sued by the Suffolk County Electrical Contractors Association. A State Supreme Court judge issued a preliminary injunction in Dec. 2013 which stopped the town from moving ahead with the apprenticeship requirement. But Islip never appealed the decision, which basically reversed the law.

The plaintiffs in that suit, which included Palk Electric and David Kennedy of Kennedy Electrical Contracting, argued that the apprenticeship law would "virtually bankrupt" the majority of SCECA's membership, mostly small, independent contractors that employ between one to eight electricians, putting them at a competitive disadvantage as compared to larger contractors with existing apprenticeship programs.

In a January letter to Judge Denis Hurley, who ruled in the Oyster Bay case, Mitch Pally, CEO of the Long Island Builders Institute, wrote that the town's apprenticeship ordinance "is one of the most important issues" facing the development community.

"Over the past few months, over five other companies represented by the Long Island Builders Institute have either been thrown off current jobs in the Town of Oyster Bay or have been told they cannot bid on private jobs by developers because they can't meet the apprenticeship program standards imposed by the town," Pally wrote.

Brian Sampson, president of the Empire Chapter of the Associated Builders & Contractors, which represents non-union contracting firms, said that the mandated use of apprenticeships for private work is an "egregious overreach that would dramatically curtail development" in the town.

"Thankfully the courts see it the right way," Sampson said. "That a private company should have the right to choose who they want to build their project and control the construction costs associated with it. We expect that more lawsuits will be filed and we caution other towns and villages from following the lead of Oyster Bay and Islip. If they do then they can expect to be sued."