



In a decision of significant economic consequence to every contractor who operates in the Town of Oyster Bay, the Meltzer Lippe legal team recently won a temporary restraining order against the Town of Oyster Bay, which last September passed an ordinance which imposed a new requirement on contractors and developers seeking to perform work for which a permit is required on commercial properties of 100,000 square feet or more.

As applied by the Town of Oyster Bay, the ordinance effectively limits such work to contractors signatory to collective bargaining agreements with unions which are members of the Building and Construction Trades Council of Nassau and Suffolk (BCTC), thereby denying all other contractors, either union or non-union, from working in the vast majority of construction projects in the Town of Oyster Bay. The Town further seeks to apply the ordinance to both public and private projects.

The new ordinance requires any contractor or subcontractor who is performing construction in the Town of Oyster Bay to be a participant in good standing of a qualified New York State- or United States Department of Labor- approved and registered Class "A" apprenticeship program which has graduated an apprentice within the previous two years. Only unions affiliated with the BCTC operate apprenticeship programs large enough to consistently meet these requirements. As a result, only labor organizations affiliated with the BCTC would be permitted to provide construction services on any project of 100,000 square feet or more in the Town of Oyster Bay if the ordinance were to stand.

By implementing this new requirement, the Town of Oyster Bay has favored contractors who are signatories to collective bargaining agreements with labor organizations affiliated with the BCTC over all others.

The Town of Oyster Bay's favoring of the BCTC does not advance governmental interest. The overbroad and aggressive enforcement of the ordinance has done and will do harm to the relationship between contractors and their customers.

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