NEW YORK REAL ESTATE JOURNAL

Meltzer, Lippe, Goldstein & Breitstone, LLP: Preliminary injunction issued against Oyster Bay apprenticeship code
March 20, 2018 - Long Island
Central Islip, NY A United States District Court Judge has issued a preliminary injunction against the Town of Oyster Bay preventing the town from further enforcement of apprenticeship requirements for contractors and developers.

Judge Denis Hurley issued the order on a complaint filed in early January by Meltzer, Lippe, Goldstein & Breitstone (Mineola, NY) on behalf of Hartcorn Plumbing and Heating, Inc. and the Long Island and New York Mechanical Contractors Association, Inc. (CV18 0218)

“This is a significant decision in that it recognizes the serious economic harm to contractors such as Hartcorn and the members of the Contractors Association who would be otherwise prevented from competing for projects, public or private, within the Town of Oyster Bay,” said Jonathan Farrell, partner at Meltzer Lippe.

In issuing the preliminary injunction, Judge Hurley stated the town’s code, as written, applies only to public – and not private – projects.

The Ronkonkoma-based Hartcorn, which employs approximately 40 tradesmen, was notified by the Town in December of 2017 that it was ineligible for work on a large private commercial project in Bethpage because it did not comply with a recently enacted town code requiring contractors on properties 100,000 sq. ft. or more to participate in an apprenticeship program which has graduated an apprentice in the last two years.

According to Farrell, “the requirements of the town code favor contractors who are signatories to unions affiliated with one trade organization, the Building and Construction Trades Council of Nassau and Suffolk (BCTC), to the exclusion of contractors affiliated with any other labor organizations because only BCTC unions are large enough to have programs which meet the town code requirements.”

The preliminary injunction will remain in effect until the U.S. Court rules on the constitutionality of the code.