



New York State Department of Labor
David A. Paterson, Governor
M. Patricia Smith, Commissioner

April 1, 2009

[REDACTED]

Re: Request for Opinion
Our File No. RO-09-0009

Dear [REDACTED]:

Please accept my apologies for my delayed response to your letter of January 28, 2009. I am not clear as to in what context you were told that library employees were subject to Federal jurisdiction rather than the jurisdiction of the New York State Department of Labor, but such a statement is not completely correct. I would have to have a more specific question to provide an answer that would help you understand the interplay of Federal and State Law in the area of employer/employee relations.

As to the issue of the applicability of the prevailing wage law to a library project, the answer to the question lies in the nature of the library involved and the project itself. I am enclosing several opinions of Counsel in this regard issued over the last thirty years. These should give you some idea as to how the Department will view such a project. Generally speaking, if the library is a library district with its own taxing authority, or a school district library, then the prevailing wage law will apply. It is possible that the prevailing wage law will not apply to a free association library, but there are certain other considerations which must be reviewed before one can make a final determination in that regard.

If the attached opinions do not provide you with the information you are seeking, you may send a more specific request for an opinion to us with additional facts and we will endeavor to answer it at that time.

Very truly yours,

A handwritten signature in black ink, appearing to read "John D. Charles".

John D. Charles
Associate Attorney

cc: Dayfile

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