



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

January 5, 2010

[REDACTED]

Re: Tappan Free Library
Our File No. RO-09-0188

Dear [REDACTED]:

Your letter dated December 15, 2009, is both a FOIL request and asks our opinion as to whether the prevailing wage law would apply to a library rehabilitation project being performed by the Tappan Free Library (Tappan). This letter will hopefully answer both requests.

First, as to the FOIL request, I am enclosing all of Counsel's Office previously issued opinions regarding library projects and the applicability of the prevailing wage law to such projects. The statutory charge of \$.25 per page for copying is waived as a courtesy.

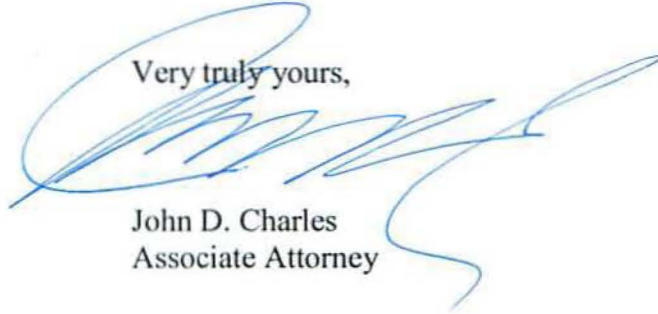
As to your request for an opinion regarding the applicability of the prevailing wage law to the Tappan Library project, the enclosed opinions should provide the answer to your question. In fact, the most recent of those opinions, regarding the Altamont Library, contains the Department's position as to the applicability of the prevailing wage law under circumstances similar to those of the Tappan Free Library. Your letter states that the Tappan Free Library owns both buildings in question, and will be using grant money and contributions to fund the construction. Public entities are not involved in the actual construction of the project. In summary form, based on those facts, if a Free Association Library is performing construction on a building that it owns, the prevailing wage law would not be applicable, unless a municipality or other public agency were to contract for or perform work on behalf of the library.

This opinion is specific to the facts described in the documents provided and were those facts to vary from those set forth in the documents, or if additional facts and circumstances exist of which we are not currently aware, this opinion could be changed accordingly.

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I trust that this is responsive to your inquiry. Please let us know if you need any further clarification on this issue.

Very truly yours,



John D. Charles
Associate Attorney

Enclosure

cc: Pico Ben-Amotz
Chris Alund
Dave Bouchard
Fred Kelley
Opinion File