Decision Paves Way for Equal Pay for Equal Work on Port Authority Construction Projects

In a first of its kind decision that that could have far-reaching consequences for the rights of workers on Port Authority construction projects, a district court judge in the Southern District of New York has held that there is no "broad exemption from the New York Labor Law (NYLL) for contractors of the Port Authority," paving the way for a substantial increase in pay for New Jersey workers who perform work in New York on Port Authority construction projects. Brach Eichler represents a worker who was employed by defendant Skanska Koch, Inc. (Skanska), as a crane operator on the George Washington Bridge (GWB) rehabilitation and upgrade project (the Project). The GWB and the Project fall under the control of the Port Authority. The worker is also a member of the International Union of Operating Engineers, Local 825.

Our client filed a lawsuit, on behalf of himself and all other New Jersey union members working on the Project, claiming, among other things, that workers on the Project employed by Skanska are entitled to payment of the New York City prevailing wage rate for all work performed on the New York side of the GWB bridge span pursuant to the New York prevailing wage law, NYLL 220. Our client claimed that Skanska failed to pay him and the other New Jersey union member workers the statutorily required New York city prevailing wage rate for all work they performed on the New York side of the GWB span, instead paying them the significantly lower New Jersey prevailing wage rate for all such work.

In deciding Skanksa's motion to dismiss the Complaint, the Court held that contractors on Port Authority projects are not necessarily exempt from compliance with NYLL 220. Significantly, the Court reasoned that although NYLL 220 does not apply to direct employees of the Port Authority, there is no reason the law does not apply to the employees of contractors on Port Authority projects. This decision not only helps to clarify the rights of workers on Port Authority projects, but also serves as notice to employers as to how to navigate their complex contractual and statutory obligations.