



Vol. 44, No. 5

(518) 869-9800

November 2026

Governor Signs Personnel Records Access Law

On September 9, 2026, Governor Kathy Hochul signed into law new Section 210-b of the Labor Law which will provide current and former employees of New York State employers new rights to access their personnel files. This new law takes effect on November 8, 2026.

Under existing law, an employee's personnel file is generally considered the property of the employer, and employers have had no obligation to provide employees access to those records. Now for the first time, New York will require employers to provide current and former employees copies of their personnel records within five (5) business days of a written request and at no cost to the employee. Employers may limit employees to two requests per calendar year.

The law applies broadly. The term "employee" includes any person currently employed or formerly employed by an employer. "Employer" is defined as any individual, corporation, partnership, labor organization, unincorporated association or any other legal business, including any governmental entity or public employer, and any commercial entity, including agents of such employer.

The law also defines "personnel record" broadly. It covers any record that "identifies an employee, to the extent that the record is used or has been used or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action." The law specifically lists the following as personnel records:

- The employee's name, address, date of birth, job title and job description.
- The employee's rate of pay and any other compensation paid.
- The employee's start date and job application.
- Resumes or other employment inquiries the employee submitted to the employer in response to the employer's job advertisement.
- All employee performance evaluations, including but not limited to evaluation documents and written warnings of substandard performance.
- Lists of probationary periods, waivers signed by the employee and copies of dated termination notices.

- Any other documents relating to disciplinary action regarding the employee.

Additionally, this new law requires an employer to notify employees within ten (10) days of placing negative information in their personnel files and allow employees to submit a written rebuttal that becomes a permanent part of the record.

Employers must retain the complete personnel record, without deletions or expungement, from the date of employment through three years after termination of employment.

The law will be enforced by the New York Attorney General. Employer violations are punishable by civil penalties of not less than \$500 and not more than \$2,500 per violation.

Governor Hochul signed this legislation with the promise of a Chapter Amendment to clear up ambiguities regarding documents to be included in personnel files.

NESCA Membership Meeting

November 12, 2026 – 6:00 pm

Duo at the Dunes

Italian American Community Center

257 Washington Avenue Extension, Albany

6:00 Open Bar/Registration

6:30 Dinner: Strip Steak

7:15 Business Announcements

7:30 Program: "AI in Construction"

Presented by

Greg Chanese, Assistant Director

Capital Region Small Business

Development Center

Reception, Dinner, Tax & Gratuities - \$75



PRESIDENT'S MESSAGE

The 45th annual NESCA Trade Show was held on October 1st at the Albany Marriott. 50 exhibitors showcased their products and services, and hundreds of commercial construction industry professionals including general contractors, subcontractors, design professionals and others associated with the construction industry attended this event. This was our first time at a new location, and the Trade Show again surpassed expectations with delicious food and great networking. I'm very happy to report that NESCA was able to raise \$4,595 from our silent auction for the Toys for Tots campaign. Thank you to our exhibitors for donating some great items for the silent auction. We also had an extremely happy 50/50 winner who walked away with \$1,770!

On October 15th NESCA held a regional membership meeting for our Mid-Hudson members at Coppola's Italian American Bistro in Hyde Park where members received a brief on the AVIOD Act by Greg Spaun of Welby, Brady & Greenblatt, LLP. Also, our very own Mike Misenhimer presented his

"Legislative/Regulatory Issues Update". I would like to thank Kevin Viana of Marshall & Sterling, Inc. for contributing an extra \$100 toward the 50/50 drawing, all of which was quickly donated to the Roger Jones Scholarship Fund by the winner!

NESCA's first regular membership meeting of the year will be held on November 12th at the Italian American Community Center. Our program will feature a presentation by Greg Chanese, Assistant Director at the Capital Region Small Business Development Center, on using AI in the construction industry.

On November 18th NESCA will hold its annual "Notary Public Review Class" at the Building Industry Center. All NESCA members have documents notarized from time to time, so wouldn't it be advantageous and convenient to have someone on your staff become a Notary Public? This course has been designed to assist clerical and other personnel to learn the information necessary to successfully pass the Notary Public examination. NESCA has held this course annually for more than 40 years and it is always one of our most popular educational programs. Once again, the course will be instructed by Kevin Laurilliard with the law firm of O'Connell and Aronowitz.

Then on November 19th NESCA will hold a Binghamton-area regional membership meeting at McGirk's Irish Pub. NESCA Legal Counsel Walter Breakell will make a presentation on the controversial public procurement method called "piggybacking", review recent court decisions and provide insight into whether piggybacking is gone for good in New York.

Finally, I'd like to remind members to "save the date" for NESCA's Annual Holiday Reception and Dinner, which

will be held on December 10th at the Italian American Community Center. This is always a fun holiday event with great food and friends. And remember, spouses and "significant others" are invited free of charge. We will once again be asking members to bring an unwrapped toy with you to this meeting as part of our Toys for Tots campaign.

Jeffrey Orvis, President

NESCA NEWSLETTER

Published monthly by the Northeastern Subcontractors Association, Inc.

6 Airline Drive, Albany, NY 12205
(518) 869-9800 www.nesca.org

JEFF ORVIS, President
RICK OTIS, Vice President
MIKE LOCK, Treasurer
JESSE GORMAN, Secretary

DIRECTORS

BRIAN BELLAMY
ERNE BURKART
ROBERT GENNETT
EMMA HECK
JOE MICIOTTA
MIKE MUSCOLINO
NATE PANNUCCI
PETE RYAN

JOE JERKOWSKI
1st Immediate Past President

BRYAN BERRY
2nd Immediate Past President

WALTER BREAKELL
Legal Counsel

MICHAEL MISENHIMER
Executive Director

TRUST OUR EXPERIENCE
FOR OVER 50 YEARS!

BURT
crane & rigging

Full Service Warehousing available at our Selkirk Location just minutes from the Ports of Albany and Coeymans

* Crane Service * Riggers * Local and Long Distance Hauling

* Green Island, NY
* Selkirk, NY
* 518-271-6858
* burtcrane.com

NYS Certified WBE

"BUILDING THE FUTURE - TOGETHER"

Kamco
SUPPLY CORP.
OF NEW ENGLAND

Installation of doors, bathroom partitions & accessories

Commercial doors & frames hardware

Drywall, insulation and framing

Acoustical ceilings, walls & isolation products

Millwork

36 Railroad Avenue • Albany, NY 12205
(518) 729-1122 • Fax (518) 453-9527

10 Silver Circle, Queensbury, NY 12804
(518) 798-7245 • Fax (518) 793-8397

PROTECTING YOUR LEGAL RIGHTS

KEVIN LAURILLIARD
ATTORNEY AT LAW

Construction Law • Employment Law
Corporate Law • Dispute Resolution • Litigation

O'CONNELL ARONOWITZ
ATTORNEYS AT LAW

A full service law firm established in 1925.
54 State Street | Albany, NY 12207
www.oalaw.com
518-462-5601

Going beyond your expectations

Accounting • Auditing
Tax • Consulting
Pension Plan Administration

TBC
Teal, Becker & Charamonte
CERTIFIED PUBLIC ACCOUNTANTS & ADVISORS

www.tbccpa.com | 518-456-6663



COUNSEL'S MESSAGE

During a contractor's career it will undoubtedly be required to file a written Notice of Claim. This will be the circumstance regardless of whether the project is a Public or Private contract. Failure to timely and accurately provide a written Notice of Claim could prove fatal to recovery of the claim regardless of factual entitlement.

A question which commonly arises is what information should be included in the Notice of Claim. Under a State or Municipal contract, State Finance Law §145 requires a detailed and verified statement of claim that specifies the facts and items upon which the claim is premised.

Under school contracts, NY Education Law §3813 simply requires a written verified claim to be made upon the school district. School Districts, Municipalities and State Contracts all have statutory time periods within which contractual claims must be filed or the claim will be lost.

When a contractor asserts a claim on a non-public project the time and context of the written Notice of claim is more complex and is frequently dictated by the terms of the contract.

Some private contracts require a detailed verified claim itemizing the source and monetary amount of damages. Other contract clauses may couple a requirement for documentary claim support with any requirement for contractual time. It is emphasized that whatever the Notice of Claim requirements on private contracts the contractor must fulfill them.

Absent any specific contractual requirements, at a minimum, a Notice of Claim should contain the following information:

1. Identify the contract involved;
2. Identify the parties involved with the claim;
3. Identify the date, duration and cause of the claim and damages being claimed;
4. Either itemize or state the damage amount being claimed as well as how the damage was calculated;
5. Request a specific amount of additional contract time; and
6. Verify the accuracy and content of the claim before a notary.

I wish the membership and their families a happy and enjoyable Thanksgiving!

Walter G. Breakell, NESCA Legal Counsel

Question of the Month

Q. On a NYS public project, what is that difference between a "responsive bid" and a "responsible bid"?

A. As a general proposition, there are two grounds for not awarding a contract to an apparent low bidder: (1) non-compliance with the bid specifications; or (2) a finding that the bidder is not a "responsible bidder".

Responsive Bid – Generally, a public body may waive technical non-compliance with the bid specifications if the deviation is minor and if it is in the best interests of the public body to do so. However, a bid must be rejected if the non-compliance is material or substantial (non-responsive). A variance is material or substantial when it would impair the interests of the public body, give the low bidder a substantial advantage not enjoyed by other bidders, or place other bidders at a competitive disadvantage.

Responsible Bid – A public body must examine the low bidder's background and make a factual determination as to whether the bidder is a "responsible bidder". "Responsible bidder" is not defined in statute, however, there have been numerous court interpretations of the term. The courts have indicated that "responsibility" generally involves a bidder's qualifications and ability to perform in accordance with the terms and conditions of the contract. Factors to be considered include financial ability to complete the contract, accountability, reliability, skill, sufficiency of capital resources, and integrity. Whether a bidder is "responsible" is a question of fact to be determined on a case-by-case basis by the appropriate public officials in accordance with the guidelines established by the courts.

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

*Serving the Capital District
Construction Industry Since 1980*

A full service law firm with emphasis on

- Commercial and Residential Real Estate
- Contract & Construction Law
- Commercial Litigation | Creditors Rights
- Arbitration | Mediation | Bond Claims
- Appeals (Civil & Criminal) | Criminal Defense
- Banking & Financial Services
- Health Law | Matrimonial & Arbitration
- Personal Injury | Will, Trust & Estates

10 Airline Drive, Suite 205
New York, New York 12205
(518) 869-5552 | www.hhk.com

attorney advertising

Gallagher
Insurance | Risk Management | Consulting

The Gallagher Construction team focuses on developing surety, insurance and risk management programs for contractors and subcontractors.

AJG.com | The Gallagher Way. Since 1927.

© 2022 Arthur J. Gallagher & Co. | 42502

CIS
Construction Information Systems, Inc.

**Unlock Efficiency using
Cloud based Sage Intacct
for Construction!**

Secure Anywhere, Anytime Access
Powerful financial insights

Call Paul Unter 518 373-9005
www.consinfo.com

ABC
Supply | Interiors™

- DRYWALL & WALLBOARD
- STEEL FRAMING
- CEILINGS & ACOUSTICAL
- HOLLOW METAL DOORS & FRAMES
- ARCHITECTURAL WOOD DOORS
- INTERIOR FINISHING • FASTENERS
- INSULATION • TOOLS & ACCESSORIES

SERVING THE CAPITAL DISTRICT
36A GREEN MOUNTAIN DRIVE
COHOES, NY 12047
518.783.6121

Welcome New Members

Beacon Bank

30 South Pearl Street
Albany, NY 12207
845-545-0651

lynn.smith@beaconbank.com

Contact: Lynn Smith

DiGesare Mechanical, Inc.

3434 Carman Road
Schenectady, NY 12303
518-356-2224

mike@digesaregroup.com

Contact: Mike DiGesare

Calendar of Events

November 12, 2026

Board of Directors Meeting
Italian American Comm. Ctr, 5 pm

November 12, 2026

NESCA Membership Meeting
Italian American Comm. Ctr, 6 pm

November 18, 2026

Notary Public Seminar
Building Industry Center, 12 noon

November 19, 2026

Binghamton Membership Meeting
McGirk's, Binghamton, 6 pm

December 3, 2026

Board of Directors Meeting
Italian American Comm. Ctr, 6 pm

December 10, 2026

Holiday Reception & Dinner
Italian American Comm. Ctr, 6 pm

NESCA Membership Milestone Anniversaries

East Empire Electric, Inc. – 5 Years

American Global of New York, LLC – 10 Years

Mangino Chevrolet, Buick, GMC – 10 Years

Thermal Environment Sales, Inc. – 10 Years

Constantine Construction Farm, Inc. – 15 Years

RIM Plumbing & Heating Supply, Inc. – 15 Years

Harbrook Associates, Inc. – 20 Years

Gemini Electrical Design & Constr., Inc. – 25 Years

MMC Millwork – 25 Years

Ten Eyck Group – 30 Years

Ashley Mechanical, Inc. – 35 Years

2027 Paid Family Leave Rates Released

The Department of Financial Services (DFS) has announced the paid family leave benefit and employee contribution rates effective January 1, 2027. Below are the 2027 rates compared to the 2026 rates.

	2026	2027
Weekly Benefit (% of AWW)	67%	67%
Benefit Duration	12 weeks	12 weeks
NYS Average Weekly Wage	\$1,833.63	\$1,922.25
Maximum Weekly Benefit	\$1,228.53	\$1,287.91
Employee Contribution Rate	0.432% of wages	0.452% of wages
Maximum Annual Contribution	\$411.91	\$451.81

Mark Your Calendar!

NESCA Holiday Reception & Dinner

December 10, 2026 – 6:00 pm

Duo at the Dunes - Italian American Community Center

257 Washington Avenue Extension, Albany, NY

Look for More Information to Come!



When Construction Problems
Require Legal Solutions

New York - Albany: Tel: 518.300.3213
New York - Hudson Valley: Tel: 845.538.8204

Connecticut:
Tel: 203.363.0081

Construction,
Real Estate,
Labor & Employment
and Commercial Law



www.WBGLLP.com

For All Your WBE Building Material Needs



A New York Certified Woman-Owned Business Enterprise

* SHINGLES * INSULATION *
* EPDM * TPO * PVC * TRUSSES *
* METAL ROOFING *
* CUSTOM METAL FABRICATION *
* SIDING * WINDOWS * DOORS *
* SKYLIGHTS * COATINGS *
* PLYWOOD * LUMBER *
* AIR BARRIERS *
* SNOW RETENTION SYSTEMS *

1329 Amsterdam Rd., Scotia, NY 12302

(518) 346-2395

Secure Your Success

Marshall+Sterling provides customized insurance and employee benefits solutions and private client, retirement and wealth management services.

**MARSHALL
+STERLING**

(845) 454-0800
marshallsterling.com



CRANE & RIGGING SPECIALISTS SINCE 1870

- Crane Service to 350 Ton
- Heavy Hauling to 300 Ton
- Air Dolly Systems
- Warehousing & Storage
- 24 hour Emergency Response
- Boom Lengths to 350 Feet
- Forklifts to 80,000 Pounds
- Hydraulic Gantries to 200 Ton
- Plant Maintenance Services
- Three-Dimensional Lift Plans
- Machinery Moving & Installation
- Millwrighting & Steel Fabrication
- HAZMAT, MSHA, OSHA Certified Operators & Riggers

WOMAN-OWNED SMALL BUSINESS ENTERPRISE

WWW.MILLINRIGGING.COM



1 Pine Street - Green Island, New York 12183
(518) 273-0771 Phone (518) 273-3780 Fax