

# Builder fighting apprenticeship rule

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Opal Construction Corp., a Bay Shore-based construction and paving company, has filed a federal lawsuit against the Town of Babylon over what it calls “un-constitutional” apprenticeship requirements.

The suit, filed last week in U.S. District Court for the Eastern District of New York in Central Islip, challenges a 2012 town ordinance that requires general contractors, contractors or subcontractors on private projects of 100,000 square feet or more to participate “in an approved apprenticeship training” program. Babylon’s requirement is similar to ordinances in other municipalities on Long Island and in New York State, said Hayden Pace, an attorney for Opal.

The ordinance “takes work away from the small and midsized operations” because they lack the financial resources needed to participate in apprenticeship programs, Pace said. “Many of the small and midsized contractors and subcontractors don’t have the means to implement an apprenticeship program, therefore they’re ruled out” for work on larger private projects.

A spokesman for the Town of Babylon said the town was aware of the lawsuit but could not comment on pending litigation.

The Association for a Better Long Island, the Long Island Builders Institute, and Associated Builders and Contractors, trade groups for builders and developers, have been urging townships on Long Island with similar ordinances to stop en-



Bay Shore-based Opal says the ordinance precludes it from taking part in construction projects in Babylon Town.

forcing them. The groups identified Opal as a subcontractor that could sue because it has been hurt by the requirements, Kyle Strober, executive director of ABLI, said.

“Long Island is at a competitive disadvantage . . . especially when governments are overreaching [their] authority on completely private developments and exponentially increasing the cost of doing business,” Strober said in a statement. ABLI and its partners are “fully prepared to bring similar litigation” against other townships, he said.

Earlier this year, U.S. District Judge Denis R. Hurley in Central Islip issued a preliminary injunction against the Town of Oyster Bay’s enforcing a similar requirement.

Oyster Bay Councilman Louis Imbroto said last year that apprenticeship programs allow people to learn a trade, “creating a skilled

workforce” that “sets these people up to have careers in construction they can carry with them for the rest of their lives.”

The Town of Brookhaven told ABLI in a letter last week that it would not enforce its apprenticeship requirements on private development while Oyster Bay’s preliminary injunction is in place.

In 2017, Opal Construction submitted the lowest qualified bid for a \$3.7 million private construction project on Route 110 at the site of a former driving range, according to court documents.

While Opal work crews began to clear the site in preparation for construction, an official of the New York State Laborers’ union Local 66 told representatives of Opal that “they could not work on the project because Opal did not have an apprenticeship program that complied with Babylon’s ordinance,” according to the lawsuit.

A number of apprenticeship programs in the metropolitan area are run by unions.

Officials with Local 66 did not respond to requests for comment.

The town subsequently “issued a stop work order, citing Opal’s alleged noncompliance” with the ordinance, the suit said.

Opal was paid \$400,000 for work completed but was forced to “assign the bid to another company,” the suit said.

Babylon’s ordinance precludes Opal from “participating in construction projects” in the town and “continues to have a direct economic effect” on Opal’s ability to “earn a living,” the suit said. The company has since affiliated with an apprenticeship program, which it said it has cost \$12,500 in membership fees, plus the cost of hiring apprentices “at \$30 per hour for at least 200 hours per year regardless of need,” the suit said.



AP / MARK LENIHAN

Andrea Electronics in Bohemia, left, and Apple will face off in an appeals court in Washington. In July the U.S. Patent Office ruled some of Andrea’s patent elements remain valid.

# Apple

to improve performance.

Andrea, founded in 1934, was an early manufacturer of radios and televisions and made intercoms for Gemini space capsules in the 1960s. The company, with 2017 patent revenue of \$6 million and total revenue of \$6.9 million, produces microphones, software used in speech recognition and a voice-recorder app for Apple iPhones and iPads. The company’s stock market value, as calculated by Bloomberg, was about \$5 million on Friday.

In August Apple became the first U.S. company to reach a stock market capitalization of \$1 trillion. In the quarter ended June 30, the tech giant posted sales of \$53.3 billion.

# hour in U.S.

workers, which includes full-time, part-time, temporary and seasonal positions. Employees at Whole Foods, the upscale grocery chain Amazon owns, will get the same pay hike. Some hourly Amazon employees who already make \$15 per hour will also see a wage increase, the Seattle company said.

Pay for warehouse workers at Amazon can vary by location. It was offering at least \$12.25 an hour in Omaha, Nebraska, \$13 in Baltimore and \$16.50 in New York, according to recent job postings.

## LI People ON THE MOVE

### BENEFITS



**Robert Flicker** of Smithtown has been hired as regional vice president, account management, at **Corporate Synergies Group**

**Inc.** in Melville, a benefits consultancy. He was area president at Gallagher Benefit Services Inc. in Jericho.

### HEALTH CARE



**Dr. Anthony P. Alessi** of Rego Park, Queens, has been hired as otolaryngologist head and neck surgeon at **ENT and Allergy Associates**

in Islandia. He was an intern/resident at SUNY Downstate Medical Center in Brooklyn.

Send submissions and color headshots to **peopleonthemove@newsday.com**

### NONPROFITS



**Michelle Nettuno** of Islip has been hired as a technology marketing manager at **E&I Cooperative Services** in Jericho.

She was marketing manager at Honeywell Inc. in Melville.

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### EDUCATION



**John Buck** of Brookville, dean of students and interim head of school at **Long Island Lutheran Middle & High School** in Brookville, has been promoted to head of school.



**Reanna Fulton** of Setauket has been hired as director of technology for the **West Islip School District**. She was assistant principal at Beach Street Middle School in West Islip

— DIANE DANIELS