

7351--A

Cal. No. 1077

I N S E N A T E

May 2, 2012

Introduced by Sens. LITTLE, ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the labor law, in relation to increasing the fines for employers not lawfully paying the wages of his or her employees; and to direct the commissioner of labor to issue a report on wage differential among men and women and between minorities and non-minorities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 197 of the labor law, as amended by chapter 564 of
2 the laws of 2010, is amended to read as follows:
3 S 197. Civil penalty. Any employer who fails to pay the wages of his
4 employees or shall differentiate in rate of pay because of sex, as
5 provided in this article, shall forfeit to the people of the state the
6 sum of [five hundred] ONE THOUSAND dollars for each such failure, to be
7 recovered by the commissioner in any legal action necessary, including
8 administrative action or a civil action.
9 S 2. Subdivision 1 of section 198-a of the labor law, as amended by
10 chapter 564 of the laws of 2010, is amended to read as follows:
11 1. Every employer who does not pay the wages of all of his employees
12 in accordance with the provisions of this chapter, and the officers and
13 agents of any corporation, partnership, or limited liability company who
14 knowingly permit the corporation, partnership, or limited liability
15 company to violate this chapter by failing to pay the wages of any of
16 its employees in accordance with the provisions thereof, shall be guilty
17 of a misdemeanor for the first offense and upon conviction therefor
18 shall be fined not less than [five hundred] ONE THOUSAND nor more than
19 [twenty] TWENTY-FIVE thousand dollars or imprisoned for not more than
20 one year, and, in the event that any second or subsequent offense occurs
21 within [six] FIVE years of the date of conviction for a prior offense,
22 shall be guilty of a felony for the second or subsequent offense, and

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 upon conviction therefor, shall be fined not less than [five hundred]
2 ONE THOUSAND nor more than [twenty] TWENTY-FIVE thousand dollars or
3 imprisoned for not more than one year plus one day, or punished by both
4 such fine and imprisonment, for each such offense. An indictment of a
5 person or corporation operating a steam surface railroad for an offense
6 specified in this section may be found and tried in any county within
7 the state in which such railroad ran at the time of such offense.

8 S 3. The commissioner of labor, in consultation with the empire state
9 development corporation, department of civil service and other state
10 agencies, together with the business council and New York state AFL-CIO,
11 a statewide women's economic empowerment organization and any other
12 group or organization that the commissioner of labor may consult with,
13 shall issue or cause to be issued to the governor, temporary president
14 of the senate, speaker of the assembly and the respective chair of the
15 labor committee in the senate and assembly a report on or before May 1,
16 2013 on issues relating to the wage differential between men and women
17 and between minorities and non-minorities in the same job and jobs that
18 are dissimilar but that required equivalent composites of skill,
19 welfare, responsibility and working in the New York state job market.
20 Such report shall include, but not be limited to:

21 (a) researching the trends in this area in the public and private
22 sector including labor organizations within the state;

23 (b) identifying the major issues relating to wage differential within
24 the public and private sector including cost to the state, local govern-
25 mental units and private sector businesses for compliance with wage
26 differential compliance;

27 (c) providing legislative and policy recommendations regarding wage
28 differential including sanctions and penalties;

29 (d) issues concerning the enforcement and adequacy of current state
30 laws related to such issues, including section 194 of the labor law;

31 (e) laws and policies in other states that deal with the wage differ-
32 ential and with wage discrimination; and

33 (f) investigation of the relative weight of discrimination and other
34 factors that may lead to the wage differential.

35 S 4. This act shall take effect immediately.