

STATE OF NEW YORK

167

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law and the alcoholic beverage control law, in relation to suspending certain liquor licenses of employers who are in violation of certain provisions of the labor law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 219 of the labor law, as amended
2 by chapter 564 of the laws of 2010, the opening paragraph as further
3 amended by section 104 of part A of chapter 62 of the laws of 2011, is
4 amended to read as follows:

5 1. (a) (i) If the commissioner determines that an employer has failed
6 to pay wages, benefits or wage supplements required pursuant to article
7 six (payment of wages), article nineteen (minimum wage act) or article
8 nineteen-A (minimum wage standards and protective labor practices for
9 farm workers) of this chapter, or a rule or regulation promulgated there-
10 under, the commissioner shall issue to the employer an order directing
11 compliance therewith, which shall describe particularly the nature of
12 the alleged violation. A copy of such order shall be provided to any
13 employee who has filed a complaint and to ~~[his or her]~~ such employee's
14 authorized representative. Such order shall direct payment of wages or
15 supplements found to be due, liquidated damages in the amount of one
16 hundred percent of unpaid wages, and interest at the rate of interest
17 then in effect as prescribed by the superintendent of financial services
18 pursuant to section fourteen-a of the banking law per annum from the
19 date of the underpayment to the date of the payment.

20 (ii) At the discretion of the commissioner, the commissioner shall
21 have full authority to provide for inclusion of an automatic fifteen
22 percent additional amount of damages to come due and owing upon expira-
23 tion of ninety days from an order to comply becoming final. The commis-

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

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1 sioner shall provide written notice to the employer in the order to
2 comply of this additional damage.

3 (b)(i) If the commissioner determines the employer is in violation of
4 article six (payment of wages), article nineteen (minimum wage act),
5 article nineteen-A (minimum wage standards and protective labor prac-
6 tices for farm workers), section two hundred twelve-a, section two
7 hundred twelve-b, section one hundred sixty-one or section one hundred
8 sixty-two of this chapter, or a rule or regulation promulgated there-
9 under, and such aggregate amount exceeds one thousand dollars, the
10 commissioner shall notify the employer of such violation, in writing,
11 and such employer shall have fifteen days to address all violations. If
12 the employer does not address all violations within the allotted
13 fifteen-day period, the commissioner shall notify the chair of the state
14 liquor authority, in writing, of the name and address of any employer
15 holding a license pursuant to section sixty-four of the alcoholic bever-
16 age control law authorizing the sale of liquor at retail for consumption
17 on the premises to suspend such license.

18 (ii) The chairperson of the state liquor authority shall act in
19 accordance with sections one hundred eighteen and one hundred nineteen
20 of the alcoholic beverage control law; provided, however, that the
21 chairperson shall not reinstate a license suspended pursuant to subpara-
22 graph (i) of this paragraph until the chair receives written notice from
23 the commissioner that the employer whose license was suspended is in
24 compliance with article six (payment of wages), article nineteen (mini-
25 imum wage act), article nineteen-A (minimum wage standards and protective
26 labor practices for farm workers), section two hundred twelve-a, section
27 two hundred twelve-b, section one hundred sixty-one or section one
28 hundred sixty-two of this chapter, and any rule or regulation promulgat-
29 ed thereunder.

30 § 2. Section 119 of the alcoholic beverage control law is amended by
31 adding a new subdivision 6 to read as follows:

32 6. Where a licensee is found to be in violation of article six
33 (payment of wages), article nineteen (minimum wage act), article nine-
34 teen-A (minimum wage standards and protective labor practices for farm
35 workers), section two hundred twelve-a, section two hundred twelve-b,
36 section one hundred sixty-one or section one hundred sixty-two of the
37 labor law, or any rule or regulation promulgated thereunder, and such
38 aggregate amount exceeds one thousand dollars, as determined by the
39 department of labor and the chair of the authority is notified of such
40 violations, the authority shall suspend such license in accordance with
41 this section and the provisions of subdivision one of section two
42 hundred nineteen of the labor law.

43 § 3. This act shall take effect immediately.