S T A T E O F N E W Y O R K

2122

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. JOHN, NOLAN -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to broadening the definition of wages to include vacation time earned or due to an employee

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

Section 1. Subdivision 1 of section 190 of the labor law, as amended by chapter 328 of the laws of 1972, is amended to read as follows:

1. "Wages" means the earnings of an employee for labor or services rendered, regardless of whether the amount of earnings is determined on a time, piece, commission or other basis. The term "wages" also includes benefits or wage supplements as defined in section one hundred ninety-eight-c of this article, except for the purposes of sections one hundred ninety-one and one hundred ninety-two of this article. THE TERM "WAGES" SHALL ALSO INCLUDE TIME, OR THE VALUE OF TIME, REPRESENTING VACATION TIME EARNED OR DUE AN EMPLOYEE. VACATION TIME, PAID OR UNPAID, ONCE EARNED, ACCRUED OR AWARDED SHALL NOT BE REDUCED, ELIMINATED, NOR DIMINISHED BY AN EMPLOYER, INCLUDING ANY SUCCEEDING EMPLOYER. THE TERM "SUCCEEDING EMPLOYER" SHALL MEAN A NEW EMPLOYER, INCLUDING A CORPORATION, INDIVIDUAL, PARTNERSHIP, OR ANY OTHER ENTITY WHICH ASSUMES THE BURDEN OF PAYING WAGES AND IS INVESTED WITH RIGHTS OF A PREDECESSOR, BY MERGER, ACQUISITION, OR OTHER VALID AND LEGAL SUCCESSION.

S 2. This act shall take effect immediately.

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

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