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

2425

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

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

AN ACT to amend the labor law, in relation to the direct pay or deposit of wages in a bank or other financial institution

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

Section 1. Section 192 of the labor law, as amended by chapter 301 of the laws of 1974, subdivision 1 as added by chapter 475 of the laws of 1981 and as renumbered by chapter 170 of the laws of 1994, subdivision 2 as amended by chapter 304 of the laws of 2007, is amended to read as follows:

S 192. Cash payment of wages. 1. [No] AN employer [shall without the advance written consent of any employee] MAY directly pay or deposit the net wage or salary of [such] AN employee in a bank or other financial institution.

2. This section shall not apply to any person [employed in a bona fide executive, administrative, or professional capacity whose earnings are in excess of nine hundred dollars a week, nor to employees] working on a farm not connected with a factory OR EMPLOYED BY A SMALL BUSINESS AS DEFINED IN SECTION ONE HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT.

3. NO PROVISION OF THIS SECTION SHALL AUTHORIZE AN EMPLOYER TO SELECT OR MANDATE A SPECIFIC BANK OR OTHER FINANCIAL INSTITUTION FOR THE PURPOSES OF MAKING DIRECT DEPOSITS ON BEHALF OF EMPLOYEES.

4. NO EMPLOYER, WHO HAS A DUTY TO BARGAIN, SHALL MAKE SUCH DEPOSITS FOR EMPLOYEES COVERED BY A COLLECTIVE BARGAINING UNIT UNTIL AN AGREEMENT AUTHORIZING SUCH DEPOSITS HAS BEEN RATIFIED BY SUCH COLLECTIVE BARGAINING UNIT.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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