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

3720

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. PHEFFER -- read once and referred to the Committee on Judiciary

AN ACT to amend the general business law, in relation to prohibiting the release of employee information by third party payroll processors

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

Section 1. The general business law is amended by adding a new section 399-i to read as follows:

S 399-I. RELEASE OF EMPLOYEE INFORMATION; PROHIBITED. 1. FOR PURPOSES OF THIS SECTION:

A. "THIRD PARTY PAYROLL PROCESSOR" SHALL MEAN A COMPANY HIRED BY AN EMPLOYER TO PREPARE AND/OR PROCESS ITS PAYROLL, TAXES RELATED TO PAYROLL OR EMPLOYEE BENEFITS.

B. "EMPLOYEE INFORMATION" SHALL MEAN INFORMATION PROVIDED TO A THIRD PARTY PAYROLL PROCESSOR BY AN EMPLOYER FOR THE PURPOSE OF PREPARING OR PROCESSING THAT EMPLOYER'S PAYROLL, TAXES RELATED TO PAYROLL OR EMPLOYEE BENEFITS.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO THIRD PARTY PAYROLL PROCESSOR SHALL BE REQUIRED TO DISCLOSE ANY EMPLOYEE INFORMATION.

3. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY GRAND JURY OR ANY AGENCY OF THE LEGISLATURE OR EXECUTIVE BRANCH OF GOVERNMENT WHICH REQUIRES THE RECORDS DESCRIBED IN PARAGRAPH A OF SUBDIVISION ONE OF THIS SECTION IN FURTHERANCE OF OFFICIAL DUTIES.

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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