

8877

2009-2010 Regular Sessions

I N A S S E M B L Y

June 12, 2009

Introduced by M. of A. ALESSI -- read once and referred to the Committee
on Ways and Means

AN ACT to amend the abandoned property law and the labor law, in
relation to unclaimed wages

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

1 Section 1. Section 1308 of the abandoned property law, as added by
2 chapter 526 of the laws of 1944, is amended to read as follows:
3 S 1308. Unclaimed wages. 1. Any money [received from or for the
4 account of an employer and held or owing by the department of labor] DUE
5 TO AN EMPLOYEE AS DEFINED BY SUBDIVISION FIVE OF SECTION TWO OF THE
6 LABOR LAW for the payment of compensation for services theretofore
7 performed by employees or former employees of [such] AN employer AS
8 DEFINED BY SUBDIVISION SIX OF SECTION TWO OF THE LABOR LAW, which shall
9 have remained unclaimed by such employee for a period of one year [after
10 receipt thereof by such department,] shall be deemed abandoned property.
11 2. [On or before the first day of May in each year the industrial
12 commissioner] ALL EMPLOYERS shall pay over to the state comptroller for
13 credit to the abandoned property fund all such property which shall have
14 become abandoned [prior to the first day of the preceding month].
15 3. Such payment to the comptroller shall be accompanied by a statement
16 setting forth:
17 (a) The name and last known address of each employee entitled to such
18 abandoned property and the amount to which such employee is entitled.
19 (b) The name of the employer and his or its last known address.
20 (c) The period of employment during which such salary or wages
21 accrued.
22 (d) Such other identifying information as the state comptroller may
23 require.
24 S 2. The labor law is amended by adding a new section 195-a to read as
25 follows:

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

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1 S 195-A. UNCLAIMED WAGES. EVERY EMPLOYER SHALL RETAIN ALL UNCLAIMED
2 WAGES FOR PAYMENT TO THE PERSON ENTITLED THERETO FOR NOT LESS THAN ONE
3 YEAR FROM THE DATE IN WHICH THEY WERE ISSUED.
4 THE EMPLOYER MAY DETERMINE THAT WAGES HAVE BEEN ABANDONED WHENEVER
5 MORE THAN ONE YEAR HAS ELAPSED SINCE A PAYMENT CHECK WAS MAILED TO THE
6 LAST KNOWN ADDRESS OF THE CLAIMANT AND EITHER SUCH CHECK HAS BEEN
7 RETURNED UNDELIVERED BY THE UNITED STATES POSTAL SERVICE AND THE CLAIM-
8 ANT CANNOT BE LOCATED OR SUCH CHECK HAS NOT BEEN RETURNED UNDELIVERED
9 AND HAS NOT BEEN PRESENTED FOR PAYMENT. ANY WAGES SO DETERMINED TO HAVE
10 BEEN ABANDONED SHALL BE PAID TO THE STATE COMPTROLLER PURSUANT TO
11 SECTION THIRTEEN HUNDRED EIGHT OF THE ABANDONED PROPERTY LAW.
12 S 3. This act shall take effect immediately.