

3118

2009-2010 Regular Sessions

I N S E N A T E

March 11, 2009

Introduced by Sens. HUNTLEY, DIAZ, ESPADA, HASSELL-THOMPSON, ONORATO, OPPENHEIMER, PERKINS, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to increasing the amount of liquidated damages for failure to pay wages as legally required

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

1 Section 1. Subdivision 1-a of section 198 of the labor law, as added
2 by chapter 310 of the laws of 1967, is amended and a new subdivision 4
3 is added to read as follows:
4 1-a. In any action instituted upon a wage claim by an employee or the
5 commissioner in which the employee prevails, the court shall allow such
6 employee reasonable attorney's fees and, upon a finding that the employ-
7 er's failure to pay the wage required by this article: (I) was willful,
8 (II) PERSISTED FOR MORE THAN THIRTY DAYS, OR (III) INVOLVED A FAILURE TO
9 PAY THE WAGES OF TEN OR MORE EMPLOYEES, an additional amount as liqui-
10 dated damages equal to [twenty-five percent of] TWICE the total amount
11 of the wages found to be due.
12 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ACTION TO RECOVER
13 UPON A LIABILITY IMPOSED BY THIS ARTICLE MAY BE BROUGHT AS A CLASS
14 ACTION.
15 S 2. This act shall take effect on the ninetieth day after it shall
16 have become a law.

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

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