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

7267

I N S E N A T E

April 12, 2016

Introduced by Sen. MARTINS -- (at request of the Department of Labor) -- 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 enhancing the authority of the commissioner of labor to recover unpaid wages

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

Section 1. Subdivision 3 of section 219 of the labor law, as amended by chapter 2 of the laws of 2015, is amended to read as follows:

3. Provided that no proceeding for administrative or judicial review as provided in this chapter shall then be pending and the time for initiation of such proceeding shall have expired, the commissioner may file with the county clerk of the county where the employer resides or has a place of business the order of the commissioner or the decision of the industrial board of appeals containing the amount found to be due, including, at the commissioner's discretion, an additional fifteen percent damages upon any outstanding monies owed. At the request of an employee, the commissioner shall assign, without consideration or liability, that portion of the filed order that constitutes wages, wage supplements, interest on wages or wage supplements, or liquidated damages due the employee, to that employee and may file an assignment or order in that amount in the name of such employee with the county clerk of the county where the employer resides or has a place of business. The filing of such assignment, order or decision shall have the full force and effect of a judgment duly docketed in the office of such clerk. The assignment, order or decision may be enforced by and in the name of the commissioner, or by the employee, in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment. IN ADDITION, SUCH FILING SHALL HAVE THE FULL FORCE AND EFFECT OF A WARRANT FILED UNDER SUBDIVISION TWO OF SECTION FIVE HUNDRED SEVENTY-THREE OF THIS CHAPTER AND MAY BE EXECUTED UPON IN LIKE MANNER.

S 2. Subdivision 3 of section 218 of the labor law, as amended by chapter 2 of the laws of 2015, is amended to read as follows:

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

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3. Provided that no proceeding for administrative or judicial review as provided in this chapter shall then be pending and the time for initiation of such proceeding shall have expired, the commissioner may file with the county clerk of the county where the employer resides or has a place of business the order of the commissioner, or the decision of the industrial board of appeals containing the amount found to be due including the civil penalty, if any, and at the commissioner's discretion, an additional fifteen percent damages upon any outstanding monies owed. At the request of an employee, the commissioner shall assign, without consideration or liability, that portion of the filed order that constitutes wages, wage supplements, interest on wages or wage supplements, or liquidated damages due that employee, to that employee and may file an assignment or order in that amount in the name of that employee with the county clerk of the county where the employer resides or has a place of business. The filing of such assignment, order or decision shall have the full force and effect of a judgment duly docketed in the office of such clerk. The assignment, order or decision may be enforced by and in the name of the commissioner, or by the employee, in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment. IN ADDITION, SUCH FILING SHALL HAVE THE FULL FORCE AND EFFECT OF A WARRANT FILED UNDER SUBDIVISION TWO OF SECTION FIVE HUNDRED SEVENTY-THREE OF THIS CHAPTER AND MAY BE EXECUTED UPON IN LIKE MANNER.

S 3. This act shall take effect immediately.