STATE OF NEW YORK

1675

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. LITTLE -- 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 fines for employers not lawfully paying the wages of his or her employees; and to direct the commissioner of labor to issue a report on wage differential among men and women and between minorities and non-minorities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 197 of the labor law, as amended by chapter 564 of the laws of 2010, is amended to read as follows:

§ 197. Civil penalty. Any employer who fails to pay the wages of his employees or shall differentiate in rate of pay because of sex, as provided in this article, shall forfeit to the people of the state the sum of [~~five hundred~~] one thousand dollars for each such failure, to be recovered by the commissioner in any legal action necessary, including administrative action or a civil action.

§ 2. Subdivision 1 of section 198-a of the labor law, as amended by chapter 564 of the laws of 2010, is amended to read as follows:

1. Every employer who does not pay the wages of all of his employees in accordance with the provisions of this chapter, and the officers and agents of any corporation, partnership, or limited liability company who knowingly permit the corporation, partnership, or limited liability company to violate this chapter by failing to pay the wages of any of its employees in accordance with the provisions thereof, shall be guilty of a misdemeanor for the first offense and upon conviction therefor shall be fined not less than [~~five hundred~~] one thousand nor more than [~~twenty~~] twenty-five thousand dollars or imprisoned for not more than one year, and, in the event that any second or subsequent offense occurs within [~~six~~] five years of the date of conviction for a prior offense, shall be guilty of a felony for the second or subsequent offense, and upon conviction therefor, shall be fined not less than [~~five hundred~~]

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

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one thousand nor more than [~~**twenty**~~] **twenty-five** thousand dollars or imprisoned for not more than one year plus one day, or punished by both such fine and imprisonment, for each such offense. An indictment of a person or corporation operating a steam surface railroad for an offense specified in this section may be found and tried in any county within the state in which such railroad ran at the time of such offense.

§ 3. The commissioner of labor, in consultation with the empire state development corporation, department of civil service and other state agencies, together with the New York state business council and New York state AFL-CIO, a statewide women's economic empowerment organization and any other group or organization that the commissioner of labor may consult with, shall issue or cause to be issued to the governor, temporary president of the senate, speaker of the assembly and the respective chair of the labor committee in the senate and assembly a report on or before May 1, 2018 on issues relating to the wage differential between men and women and between minorities and non-minorities in the same job and jobs that are dissimilar but that required equivalent composites of skill, welfare, responsibility and working in the New York state job market. Such report shall include, but not be limited to:

(a) researching the trends in this area in the public and private sector including labor organizations within the state;

(b) identifying the major issues relating to wage differential within the public and private sector including cost to the state, local governmental units and private sector businesses for compliance with wage differential compliance;

(c) providing legislative and policy recommendations regarding wage differential including sanctions and penalties;

(d) issues concerning the enforcement and adequacy of current state laws related to such issues, including section 194 of the labor law;

(e) laws and policies in other states that deal with the wage differential and with wage discrimination; and

(f) investigation of the relative weight of discrimination and other factors that may lead to the wage differential.

§ 4. This act shall take effect immediately.