STATE OF NEW YORK

827--A

2017-2018 Regular Sessions

IN SENATE

January 5, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to authorizing employers with less than five hundred employees to pay bi-weekly wages

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

Section 1. The opening paragraph of subparagraph (ii) of paragraph (a) of subdivision 1 of section 191 of the labor law, as amended by chapter 168 of the laws of 1993, is amended to read as follows:

The commissioner may authorize an employer which has in the three years preceding the application employed an average of [~~one thousand~~] **five hundred** or more persons in this state or has for one year preceding the application employed an average of [~~one thousand~~] **five hundred** or more persons in this state and has for three years preceding the application employed an average of three thousand or more persons outside the state to pay less frequently than weekly but not less frequently than semi-monthly if the employer furnishes satisfactory proof to the commissioner of its continuing ability to meet its payroll responsibilities. In making this determination the commissioner shall consider the following: (A) the employer's history meeting its payroll responsibilities in New York state or if no such history in New York state is available, other financial information, as requested by the commissioner, which will assist the commissioner in determining the likelihood of the employer's continuing ability to meet payroll responsibilities; (B) proof of the employer's coverage for workers' compensation and disability; (C) proof that there are no outstanding warrants of the department of taxation and finance or the department [~~of labor~~] against the employer for failure to remit state personal income tax withholdings or unem-

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

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ployment insurance contributions; and (D) proof that the employer has a computerized record keeping system for payroll which, at a minimum, specifies hours worked, rate of pay, gross wages, deductions and date of pay for each employee. If the employers' manual workers are represented by a labor organization, the commissioner shall not grant an employer's application for authorization under this subparagraph unless that labor organization consents thereto.

§ 2. Subdivision 1 of section 191 of the labor is amended by adding two new paragraphs e and f to read as follows:

e. Exception.--- Employers with less than five hundred employees may pay wages under this section on a bi-weekly schedule.

f. Notice.--- Any employer paying any of its employees on a weekly basis prior to July first two thousand eighteen shall, prior to paying such employees on a bi-weekly basis pursuant to this section, provide each employee with written notice of such change at least ninety days in advance of the first such bi-weekly paycheck.

§ 3. This act shall take effect immediately.