STATE OF NEW YORK

7038

2019-2020 Regular Sessions

IN ASSEMBLY

April 3, 2019

Introduced by M. of A. FINCH -- Multi-Sponsored by -- M. of A. GIGLIO -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to the direct pay or deposit of wages in a bank or other financial institution

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

Section 1. Section 192 of the labor law, as amended by chapter 301 of the laws of 1974, subdivision 1 as added by chapter 475 of the laws of 1981 and as renumbered by chapter 170 of the laws of 1994, subdivision 2 as amended by chapter 304 of the laws of 2007, is amended to read as follows:

§ 192. Cash payment of wages. 1. [~~No~~] An employer [~~shall without the advance written consent of any employee~~] may directly pay or deposit the net wage or salary of [~~such~~] an employee in a bank or other financial institution.

2. This section shall not apply to any person [~~employed in a bona fide executive, administrative, or professional capacity whose earnings are in excess of nine hundred dollars a week, nor to employees~~] working on a farm not connected with a factory or employed by a small business as defined in section one hundred two of the state administrative procedure act.

3. No provision of this section shall authorize an employer to select or mandate a specific bank or other financial institution for the purposes of making direct deposits on behalf of employees.

4. No employer, who has a duty to bargain, shall make such deposits for employees covered by a collective bargaining unit until an agreement authorizing such deposits has been ratified by such collective bargaining unit.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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