

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 Assem-
bly, 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 bargain-
ing 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.

LBD05511-01-9