

# 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]~~ 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.

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