

STATE OF NEW YORK

1025

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. RAMOS -- 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 clarifying that deductions not be made from employee accounts if such deductions do not constitute overpayment or are dispersed at an improper time

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

1 Section 1. Paragraph c of subdivision 1 of section 193 of the labor
2 law, as added by chapter 451 of the laws of 2012, is amended to read as
3 follows:
4 c. are related to recovery of an overpayment of wages where such over-
5 payment is due to a mathematical or other clerical error by the employ-
6 er. In making such recoveries, the employer shall comply with regu-
7 lations promulgated by the commissioner for this purpose, which
8 regulations shall include, but not be limited to, provisions governing:
9 the size of overpayments that may be covered by this section; the
10 timing, frequency, duration, and method of such recovery; limitations on
11 the periodic amount of such recovery; a requirement that notice be
12 provided to the employee prior to the commencement of such recovery; a
13 requirement that the employer implement a procedure for disputing the
14 amount of such overpayment or seeking to delay commencement of such
15 recovery; the terms and content of such a procedure and a requirement
16 that notice of the procedure for disputing the overpayment or seeking to
17 delay commencement of such recovery be provided to the employee prior to
18 the commencement of such recovery. Recovery of wages due to a clerical
19 error by the employer or any vendor working on behalf of the employer is
20 prohibited if such clerical error did not result in an overpayment or
21 other inaccuracy in the amount of wages paid or the time in which wages
22 were dispersed.

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

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1 § 2. This act shall take effect immediately; provided, however, that
2 the amendments to paragraph c of subdivision 1 of section 193 of the
3 labor law made by section one of this act shall not affect the expira-
4 tion and repeal of such subdivision and shall be deemed to expire and
5 repeal therewith.