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:

Section 1. Paragraph c of subdivision 1 of section 193 of the labor law, as added by chapter 451 of the laws of 2012, is amended to read as follows:

c. are related to recovery of an overpayment of wages where such overpayment is due to a mathematical or other clerical error by the employer. In making such recoveries, the employer shall comply with regulations promulgated by the commissioner for this purpose, which regulations shall include, but not be limited to, provisions governing: the size of overpayments that may be covered by this section; the timing, frequency, duration, and method of such recovery; limitations on the periodic amount of such recovery; a requirement that notice be provided to the employee prior to the commencement of such recovery; a requirement that the employer implement a procedure for disputing the amount of such overpayment or seeking to delay commencement of such recovery; the terms and content of such a procedure and a requirement that notice of the procedure for disputing the overpayment or seeking to delay commencement of such recovery be provided to the employee prior to the commencement of such recovery. **Recovery of wages due to a clerical error by the employer or any vendor working on behalf of the employer is prohibited if such clerical error did not result in an overpayment or other inaccuracy in the amount of wages paid or the time in which wages were dispersed.**

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

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