STATE OF NEW YORK

1998

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sen. JACKSON -- 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 including bonus compensation in the definition of wages and forfeit of wages

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

Section 1. Subdivision 1 of section 190 of the labor law, as amended by chapter 328 of the laws of 1972, is amended and a new subdivision 10 is added to read as follows:

1. "Wages" means the earnings of an employee for labor or services rendered, regardless of whether the amount of earnings is determined on a time, piece, commission**, bonus,** or other basis. The term "wages" also includes benefits or wage supplements as defined in section one hundred ninety-eight-c of this article, except for the purposes of sections one hundred ninety-one and one hundred ninety-two of this article.

10. "Bonus" constitutes wages as defined in subdivision one of this section, regardless of the source of revenue, when (a) the formula under which a bonus is determined is certain and all the data utilized in calculating the amount of a bonus under the formula is available to the employer or (b) when the amount of a bonus has been declared by the employer.

§ 2. The labor law is amended by adding a new section 193-a to read as follows:

§ 193-a. Wages non-forfeitable. All wages covered under this article shall be non-forfeitable once the amount of the wage is known or can with reasonable certainty be known.

§ 3. This act shall take effect immediately.

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

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