# STATE OF NEW YORK

3901

2023-2024 Regular Sessions

# IN ASSEMBLY

February 8, 2023

Introduced by M. of A. FAHY -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to benefits and supplemental wages

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

Section 1. Section 198-c of the labor law, as amended by chapter 328 of the laws of 1972 and subdivision 3 as amended by chapter 304 of the laws of 2007, is amended to read as follows:

§ 198-c. Benefits or wage supplements. 1. In addition to any other penalty or punishment otherwise prescribed by law, any employer who is party to an agreement to pay or provide benefits or wage supplements to employees or to a third party or fund for the benefit of employees and who fails, neglects or refuses to pay the amount or amounts necessary to provide such benefits or furnish such supplements within thirty days after such payments are required to be made, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section one hundred ninety-eight-a of this article. Where such employer is a corporation, the president, secretary, treasurer or officers exercising corresponding functions shall each be guilty of a misdemeanor.

2. As used in this section, the [~~term~~] **following terms shall have the following meanings:**

**(a)** "[~~benefits~~] **Benefits** or wage supplements" includes, but is not limited to, reimbursement for expenses; health, welfare and retirement benefits; and vacation, separation or holiday pay.

**(b) "Granted time" shall mean benefits or wage supplements granted to an employee on a per-request basis and not accrued.**

3. [~~This section shall not apply to any person in a bona fide executive, administrative, or professional capacity whose earnings are in excess of nine hundred dollars a week.~~] **(a) No agreement to pay or provide benefits or wage supplements shall include a provision specify-**

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

LBD03751-01-3

ing that an employee will not be compensated for accrued, unused vacation pay upon the termination of such agreement. Any such provision shall be considered severable, and all other provisions of such agreement shall remain in effect and given full force.

(b) Any employer who is party to an agreement to pay or provide benefits or wage supplements to an employee through granted time shall pay such employee a minimum of the equivalent of two weeks' wages upon the termination of such agreement.

(c) The provisions of this subdivision shall not apply to agreements negotiated with any labor union through collective bargaining.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.