# STATE OF NEW YORK

6077

2023-2024 Regular Sessions

# IN SENATE

March 28, 2023

Introduced by Sen. MURRAY -- 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 wage claims for manual workers

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

Section 1. Subdivision 1-a of section 198 of the labor law, as amended by chapter 362 of the laws of 2015, is amended to read as follows:

1-a. On behalf of any employee paid less than the wage to which he or she is entitled under the provisions of this article, the commissioner may bring any legal action necessary, including administrative action, to collect such claim and as part of such legal action, in addition to any other remedies and penalties otherwise available under this article, the commissioner shall assess against the employer the full amount of any such underpayment, and an additional amount as liquidated damages, unless the employer proves a good faith basis for believing that its underpayment of wages was in compliance with the law**, provided, however, that the provisions of this subdivision shall not apply to a violation of paragraph a of subdivision one of section one hundred ninety-one of this article, provided that the employer had made full payment of wages within fourteen calendar days after the end of the week in which the wages were earned, except in instances where an employer was subject to a commissioner's order issued pursuant to section two hundred eighteen of this chapter to comply with section one hundred ninety-one of this article**. Liquidated damages shall be calculated by the commissioner as no more than one hundred percent of the total amount of wages found to be due, except such liquidated damages may be up to three hundred percent of the total amount of the wages found to be due for a willful violation of section one hundred ninety-four of this article. In any action instituted in the courts upon a wage claim by an employee or the commissioner in which the employee prevails, the court shall allow such

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

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employee to recover the full amount of any underpayment, all reasonable attorney's fees, prejudgment interest as required under the civil practice law and rules, and, unless the employer proves a good faith basis to believe that its underpayment of wages was in compliance with the law, an additional amount as liquidated damages equal to one hundred percent of the total amount of the wages found to be due, except such liquidated damages may be up to three hundred percent of the total amount of the wages found to be due for a willful violation of section one hundred ninety-four of this article.

§ 2. This act shall take effect immediately.