

STATE OF NEW YORK

9033

IN ASSEMBLY

February 5, 2024

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

AN ACT to amend the labor law and the alcoholic beverage control law, in relation to suspending certain liquor licenses of employers who are in violation of certain provisions of the labor law

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

1 Section 1. Subdivision 1 of section 219 of the labor law, as amended
2 by chapter 564 of the laws of 2010, the opening paragraph as further
3 amended by section 104 of part A of chapter 62 of the laws of 2011, is
4 amended to read as follows:

5 1. (a) (i) If the commissioner determines that an employer has failed
6 to pay wages, benefits or wage supplements required pursuant to article
7 six (payment of wages), article nineteen (minimum wage act) or article
8 nineteen-A (minimum wage standards and protective labor practices for
9 farm workers) of this chapter, or a rule or regulation promulgated thereunder,
10 the commissioner shall issue to the employer an order directing
11 compliance therewith, which shall describe particularly the nature of
12 the alleged violation. A copy of such order shall be provided to any
13 employee who has filed a complaint and to his or her authorized representative.
14 Such order shall direct payment of wages or supplements found
15 to be due, liquidated damages in the amount of one hundred percent of
16 unpaid wages, and interest at the rate of interest then in effect as
17 prescribed by the superintendent of financial services pursuant to
18 section fourteen-a of the banking law per annum from the date of the
19 underpayment to the date of the payment.

20 (ii) At the discretion of the commissioner, the commissioner shall
21 have full authority to provide for inclusion of an automatic fifteen
22 percent additional amount of damages to come due and owing upon expiration
23 of ninety days from an order to comply becoming final. The commissioner
24 shall provide written notice to the employer in the order to
25 comply of this additional damage.

26 (b)(i) If the commissioner determines the employer is in violation of
27 article six (payment of wages), article nineteen (minimum wage act),

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

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1 article nineteen-A (minimum wage standards and protective labor prac-
2 tices for farm workers), section two hundred twelve-a, section two
3 hundred twelve-b, section one hundred sixty-one or section one hundred
4 sixty-two of this chapter, or a rule or regulation promulgated there-
5 under, and such aggregate amount exceeds one thousand dollars, the
6 commissioner shall notify the employer of such violation, in writing,
7 and such employer shall have fifteen days to address all violations. If
8 the employer does not address all violations within the allotted
9 fifteen-day period, the commissioner shall notify the chair of the state
10 liquor authority, in writing, of the name and address of any employer
11 holding a license pursuant to section sixty-four of the alcoholic bever-
12 age control law authorizing the sale of liquor at retail for consumption
13 on the premises to suspend such license.

14 (ii) The chairman of the state liquor authority shall act in accord-
15 ance with sections one hundred eighteen and one hundred nineteen of the
16 alcoholic beverage control law; provided, however, that the chairman
17 shall not reinstate a license suspended pursuant to subparagraph (i) of
18 this paragraph until the chair receives written notice from the commis-
19 sioner that the employer whose license was suspended is in compliance
20 with article six (payment of wages), article nineteen (minimum wage
21 act), article nineteen-A (minimum wage standards and protective labor
22 practices for farm workers), section two hundred twelve-a, section two
23 hundred twelve-b, section one hundred sixty-one or section one hundred
24 sixty-two of this chapter, and any rule or regulation promulgated there-
25 under.

26 § 2. Section 119 of the alcoholic beverage control law is amended by
27 adding a new subdivision 6 to read as follows:

28 6. Where a licensee is found to be in violation of article six
29 (payment of wages), article nineteen (minimum wage act), article nine-
30 teen-A (minimum wage standards and protective labor practices for farm
31 workers), section two hundred twelve-a, section two hundred twelve-b,
32 section one hundred sixty-one or section one hundred sixty-two of the
33 labor law, or any rule or regulation promulgated thereunder, and such
34 aggregate amount exceeds one thousand dollars, as determined by the
35 department of labor and the chair of the authority is notified of such
36 violations, the authority shall suspend such license in accordance with
37 this section and the provisions of subdivision one of section two
38 hundred nineteen of the labor law.

39 § 3. This act shall take effect immediately.