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:

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

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

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

(b)(i) If the commissioner determines the employer is in violation of 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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article nineteen-A (minimum wage standards and protective labor practices for farm workers), section two hundred twelve-a, section two hundred twelve-b, section one hundred sixty-one or section one hundred sixty-two of this chapter, or a rule or regulation promulgated thereunder, and such aggregate amount exceeds one thousand dollars, the commissioner shall notify the employer of such violation, in writing, and such employer shall have fifteen days to address all violations. If the employer does not address all violations within the allotted fifteen-day period, the commissioner shall notify the chair of the state liquor authority, in writing, of the name and address of any employer holding a license pursuant to section sixty-four of the alcoholic beverage control law authorizing the sale of liquor at retail for consumption on the premises to suspend such license.

(ii) The chairman of the state liquor authority shall act in accordance with sections one hundred eighteen and one hundred nineteen of the alcoholic beverage control law; provided, however, that the chairman shall not reinstate a license suspended pursuant to subparagraph (i) of this paragraph until the chair receives written notice from the commissioner that the employer whose license was suspended is in compliance with article six (payment of wages), article nineteen (minimum wage act), article nineteen-A (minimum wage standards and protective labor practices for farm workers), section two hundred twelve-a, section two hundred twelve-b, section one hundred sixty-one or section one hundred sixty-two of this chapter, and any rule or regulation promulgated thereunder.

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

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

§ 3. This act shall take effect immediately.