STATE OF NEW YORK

9633

IN SENATE

May 16, 2024

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to recovery of alleged overpayment of wages

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

Section 1. Paragraph (b) of subdivision 3 of section 200 of the state finance law, as amended by section 1 of part U chapter 62 of the laws of 2003, is amended as follows:

(b) Nothing contained in paragraph (a) of this subdivision shall prevent the state from recovering, by offset or otherwise, any overpayment made **provided such overpayment was made within the preceding three hundred and sixty-five days** (i) for a period when the employee was neither performing services for the state nor on approved leave or (ii) under circumstances where the comptroller reasonably determines that the employee knew, or that a reasonable employee should have known, that the salary paid to [~~him or her~~] **such employee** was in excess of that which [~~he or she was~~] **they were** entitled to receive **provided that the amount in question exceeds five hundred dollars and that the affected employee is provided thirty days' notice and an opportunity to respond to such findings prior to seeking such recovery. Such employee may elect to have such recovery limited to no more than ten per centum of the employee's biweekly paycheck; provided, however, the comptroller shall have sole authority to collect any amounts due at the time an employee separates from service**.

§ 2. 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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