

# STATE OF NEW YORK

2236--A

Cal. No. 445

2025-2026 Regular Sessions

## IN SENATE

January 16, 2025

Introduced by Sens. GOUNARDES, JACKSON, RAMOS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the labor law, in relation to payment of wages

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

1 Section 1. This act shall be known and may be cited as the "wage  
2 payment integrity act".  
3 § 2. Subdivision 1 of section 190 of the labor law, as amended by  
4 chapter 328 of the laws of 1972, is amended to read as follows:  
5 1. "Wages" means the earnings of an employee for labor or services  
6 rendered, regardless of whether the amount of earnings is determined on  
7 a time, piece, commission or other basis. The term "wages" also includes  
8 any employment compensation that is not payable at the employer's sole  
9 and absolute discretion and benefits or wage supplements as defined in  
10 section one hundred ninety-eight-c of this article, except for the  
11 purposes of sections one hundred ninety-one and one hundred ninety-two  
12 of this article. For a bonus or other form of employment compensation  
13 to be excluded from "wages", the employer must notify the employee in a  
14 clear, prominent, timely and uncontradicted fashion that the employer  
15 has sole and absolute discretion to decide whether or not to pay it.  
16 § 3. Subdivision 2 of section 195 of the labor law, as amended by  
17 chapter 564 of the laws of 2010, is amended to read as follows:  
18 2. notify [~~his or her~~] such employer's employees in writing of any  
19 changes to the information set forth in subdivision one of this section,  
20 at least seven calendar days prior to the time of such changes, unless  
21 such changes are reflected on the wage statement furnished in accordance

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

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1 with subdivision three of this section. The failure of an employer to  
2 produce the written terms of employment as required under this subdivi-  
3 sion and subdivision one of this section, upon request of the commis-  
4 sioner or an employee, shall give rise to a presumption that the terms  
5 of employment that the employee has presented are the agreed terms of  
6 employment;

7 § 4. Subdivision 3 of section 198-c of the labor law, as amended by  
8 chapter 433 of the laws of 2023, is amended to read as follows:

9 3. [~~This~~] The criminal penalties prescribed by this section shall not  
10 apply to any person in a bona fide executive, administrative, or profes-  
11 sional capacity whose earnings are in excess of one thousand three  
12 hundred dollars a week.

13 § 5. This act shall take effect immediately and apply to all actions  
14 filed on or after such effective date.