

STATE OF NEW YORK

3642

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

Introduced by Sens. MURRAY, O'MARA, RHOADS -- 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:

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

3 1-a. On behalf of any employee paid less than the wage to which [~~he or~~
4 ~~she~~] such employee is entitled under the provisions of this article, the
5 commissioner may bring any legal action necessary, including administra-
6 tive action, to collect such claim and as part of such legal action, in
7 addition to any other remedies and penalties otherwise available under
8 this article, the commissioner shall assess against the employer the
9 full amount of any such underpayment, and an additional amount as liqui-
10 dated damages, unless the employer proves a good faith basis for believ-
11 ing that its underpayment of wages was in compliance with the law,
12 provided, however, that the provisions of this subdivision shall not
13 apply to a violation of paragraph a of subdivision one of section one
14 hundred ninety-one of this article, provided that the employer had made
15 full payment of wages within fourteen calendar days after the end of the
16 week in which the wages were earned, except in instances where an
17 employer was subject to a commissioner's order issued pursuant to
18 section two hundred eighteen of this chapter to comply with section one
19 hundred ninety-one of this article. Liquidated damages shall be calcu-
20 lated by the commissioner as no more than one hundred percent of the
21 total amount of wages found to be due, except such liquidated damages
22 may be up to three hundred percent of the total amount of the wages
23 found to be due for a willful violation of section one hundred ninety-
24 four of this article. In any action instituted in the courts upon a wage
25 claim by an employee or the commissioner in which the employee prevails,

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

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1 the court shall allow such employee to recover the full amount of any
2 underpayment, all reasonable attorney's fees, prejudgment interest as
3 required under the civil practice law and rules, and, unless the employ-
4 er proves a good faith basis to believe that its underpayment of wages
5 was in compliance with the law, an additional amount as liquidated
6 damages equal to one hundred percent of the total amount of the wages
7 found to be due, except such liquidated damages may be up to three
8 hundred percent of the total amount of the wages found to be due for a
9 willful violation of section one hundred ninety-four of this article.
10 § 2. This act shall take effect immediately.