

STATE OF NEW YORK

11198

IN ASSEMBLY

May 1, 2026

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

AN ACT to amend the labor law, in relation to requiring employers to pay employees accrued but unused vacation, paid time off, or other paid leave provided upon separation from employment

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

Section 1. Section 191 of the labor law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding any other provision of law to the contrary, upon termination, resignation, retirement or other separation from employment, an employer shall pay to the employee all accrued but unused vacation leave, paid time off, or other paid leave provided pursuant to the employer's employment agreement, contract or policy. Any employment agreement, contract or policy that purports to waive or forfeit such payment of accrued but unused vacation leave, paid time off or other paid leave shall be deemed void. Such payment shall be made no later than the employee's next regular pay day for the pay period during which the separation occurred. For purposes of this subdivision, vacation leave, paid time off or other paid leave shall be deemed accrued in accordance with the employer's written policy or, in the absence of such policy, on a pro rata basis based on the employee's length of service. Failure to make such payment shall be deemed a failure to pay wages and shall be subject to penalties under this article.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to agreements entered into, modified, or renewed on or after such effective date.

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

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