

STATE OF NEW YORK

2222

2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

Introduced by M. of A. SIMON, SANTABARBARA, DE LOS SANTOS, REYES, McDO-
NOUGH, McMAHON -- read once and referred to the Committee on Labor

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 Assem-
bly, 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
22 with subdivision three of this section. The failure of an employer to
23 produce the written terms of employment as required under this subdivi-
24 sion and subdivision one of this section, upon request of the commis-
25 sioner or an employee, shall give rise to a presumption that the terms

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

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1 of employment that the employee has presented are the agreed terms of
2 employment;

3 § 4. Subdivision 5 of section 198-b of the labor law, as added by
4 chapter 1031 of the laws of 1965 and as renumbered by chapter 390 of the
5 laws of 1967, is amended to read as follows:

6 5. A violation of the provisions of this section shall constitute a
7 misdemeanor. Persons violating the provisions of this section are not
8 exempt from civil liability under subdivisions one-a and three of
9 section one hundred ninety-eight of this article.

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

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

16 § 6. This act shall take effect immediately and apply to all actions
17 filed on or after such effective date.