§ 196. Powers of commissioner. 1. In addition to the powers of the commissioner specified in other sections of this chapter, the commissioner shall have the following duties, powers and authority:

a. He or she shall investigate and attempt to adjust equitably controversies between employers and employees relating to this article, or article five, seven, nineteen or nineteen-A of this chapter.

b. He or she may take assignments of claims for wages under this chapter from employees or third parties in trust for such employees or for the benefit of various funds for such employees. All such assignments shall run to the commissioner and his or her successor in office. The commissioner may sue employers on wage claims thus assigned, with the benefits and subject to the provisions of existing law applying to actions by employees for collection of wages. He or she may join in a single action any number of wage claims against the same employer.

c. He or she may institute proceedings on account of any criminal violation of any provision of this article, or article five, seven, nineteen or nineteen-A of this chapter.

d. If it shall appear to him or her that any employer has been convicted of a violation of any provision of this article or article nineteen or nineteen-A of this chapter or that any order to comply issued against an employer under this chapter remains unsatisfied for a period of ten days after the time to appeal therefrom has expired, and that no appeal therefrom is then pending, the commissioner may require such employer to deposit with him or her a bond in such sum as he or she may deem sufficient and adequate in the circumstances, together with two or more sureties or a duly authorized surety company, to be approved by the commissioner. The bond shall be payable to the commissioner and shall be conditioned that the employer will, for a definite future period, not exceeding two years, pay his or her employees in accordance with the provisions of this article or article nineteen or nineteen-A of this chapter, and shall be further conditioned upon the payment by the employer of any amounts due pursuant to an order to comply or judgment against such employer pursuant to the provisions of this article or

article nineteen or nineteen-A of this chapter.

If within ten days after demand for such bond, which demand may be made by certified or registered mail, such employer shall fail to deposit the same, the commissioner may bring an action in the name and on behalf of the people of the state of New York against such employer in the supreme court to compel such employer to furnish such a bond or to cease doing business until he or she has done so. The employer shall have the burden of proving that either such a bond is unnecessary or that the amount demanded is excessive. If the court finds that there is just cause for requiring the bond and that same is reasonably necessary or proper to secure prompt payment of the wages of the employees of such employer and his or her compliance with the provisions of this article or article nineteen or nineteen-A of this chapter, the court may enjoin such employer and such other person or persons as may have been or may be concerned with or in any way participating in the failure to pay the wages resulting in the conviction or order to comply as aforesaid, from doing business until the requirement is met and make other and further orders appropriate to compel compliance with the requirement.

If any order to comply issued against an employer under this article or article nineteen or nineteen-A of this chapter remains unsatisfied for a period of ten days after the time to appeal therefrom has expired, and that no appeal therefrom is then pending, the commissioner may require the employer to provide an accounting of assets of the employer, including but not limited to, a list of all bank accounts, accounts receivable, personal property, real property, automobiles or other vehicles, and any other assets, in a form and manner as prescribed by the commissioner. An employer shall provide such amended accountings of assets as the commissioner shall order. If within ten days after demand for such an accounting of assets, which demand may be made by certified or registered mail, such employer shall fail to provide same, or if the employer fails to provide an amended accounting as required under this section, the commissioner may bring an action in the name and on behalf of the people of the state of New York against such employer in the supreme court to compel such employer to furnish the accounting and pay a civil penalty of no more than ten thousand dollars.

e. He or she is hereby authorized and empowered to enter into reciprocal agreements with the labor department or corresponding agency of any other state or with the person, board, officer, or commission authorized to act on behalf of such department or agency, for the collection in such other states of claims and judgments for wages based upon claims assigned to the commissioner.

The commissioner may, to the extent provided for by any reciprocal agreement entered into by law or with any agency of another state as herein provided, maintain actions in the courts of such other state for the collection of claims and judgments for wages and may assign such claims and judgments to the labor department or agency of such other state for collection to the extent that such an assignment may be permitted or provided for by the law of such state or by reciprocal agreement.

The commissioner may, upon the written consent of the labor department or other corresponding agency of any other state or of any person, board, officer or commission of such state authorized to act on behalf of such labor department or corresponding agency, maintain actions in the courts of this state upon assigned claims and judgments for wages arising in such other state in the same manner and to the same extent that such actions by the commissioner are authorized when arising in this state. However, such actions may be maintained only in cases where such other state by law or reciprocal agreement extends a like comity to cases arising in this state.

2. Nothing in this section shall be construed as requiring the commissioner in every instance to investigate and attempt to adjust controversies, or to take assignments of wage claims, or to institute criminal prosecutions for any violation under this article or article five, seven, nineteen or nineteen-A of this chapter, but he or she shall be deemed vested with discretion in such matters.