Legislation Details (With Text)

File #:	Res 0245-2010	**Version:**	A	**Name:**	Establishing the Wage Theft Prevention Act. (A.10163/S.8380)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Civil Service and Labor
On agenda:	5/25/2010				
Enactment date:				**Enactment #:**	

Title: Resolution calling on the New York State Legislature to reconcile and pass A.10163 and S.8380 and the Governor to sign into law, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention Act.

Sponsors: Melissa Mark-Viverito, Brad S. Lander, Gale A. Brewer, Margaret S. Chin, Rosie Mendez, Annabel Palma, Jumaane D. Williams, Ydanis A. Rodriguez, Robert Jackson, James Sanders, Jr., James F. Gennaro, James G. Van Bramer, Charles Barron, Diana Reyna

Indexes:

Attachments: 1. Res. No. 245 - 5/25/10, 2. Committee Report 11/10/10, 3. Hearing Testimony 11/10/10, 4. Hearing Transcript 11/10/10, 5. Committee Report 11/15/10, 6. Hearing Transcript 11/15/10, 7. Hearing Transcript - Stated Meeting 11-17-10

Date	Ver.	Action By	Action	Result
5/25/2010	*	City Council	Introduced by Council	
5/25/2010	*	City Council	Referred to Comm by Council	
11/10/2010	*	Committee on Civil Service and Labor	Hearing Held by Committee	
11/10/2010	*	Committee on Civil Service and Labor	Amendment Proposed by Comm	
11/10/2010	*	Committee on Civil Service and Labor	Laid Over by Committee	
11/10/2010	*	Committee on Lower Manhattan Redevelopment	Hearing Held by Committee	
11/10/2010	*	Committee on Lower Manhattan Redevelopment	Amendment Proposed by Comm	
11/10/2010	*	Committee on Lower Manhattan Redevelopment	Laid Over by Committee	
11/15/2010	*	Committee on Civil Service and Labor	Hearing Held by Committee	
11/15/2010	*	Committee on Civil Service and Labor	Amendment Proposed by Comm	
11/15/2010	*	Committee on Civil Service and Labor	Amended by Committee	
11/15/2010	A	Committee on Civil Service and Labor	Approved by Committee	Pass
11/17/2010	A	City Council	Approved, by Council	Pass

Res. No. 245-A

Resolution calling on the New York State Legislature to reconcile and pass A.10163 and S.8380 and the Governor to sign into law, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention

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Act.

By Council Members Mark-Viverito, Lander, Brewer, Chin, Mendez, Palma, Williams, Rodriguez, Jackson, Sanders Jr., Gennaro, Van Bramer, Barron and Reyna

Whereas, Recent studies conducted by the National Employment Law Project indicated that wage theft costs the average low-wage worker in New York State $3,016 per year, comprising 15% of his or her annual income; and

Whereas, In New York City alone, wage theft losses equal more than $18.4 million per week, nearly $1 billion per year; and

Whereas, In addition, the same studies indicated that over a quarter of low-wage workers receive less than the legal minimum wage and 67% of low-wage workers who work more than 40 hours per week do not receive time-and-a-half for overtime as required by law; and

Whereas, Workers are terrified to speak up for their rights because they often face discharge and other retaliation as a result; and

Whereas, Responsible businesses are struggling to revive our state's economy and there should be a level playing field to protect them from having to compete with unscrupulous employers that cut costs by stealing wages; and

Whereas, The penalties currently in place for employers paying employees less than their correct wage are minimal and do not deter the practice; and

Whereas, A.10163 (Heastie) and S.8380 (Savino) were introduced in the New York State Legislature and would amend the State's Labor Law to establish the Wage Theft Prevention Act; and

Whereas, A.10163 and S.8380 would increase civil and criminal penalties to protect employees and the interest of the workers; and

Whereas, This legislation would amend the remedies available to an employee if it is found that an employer is at fault in a claim; and

Whereas, Further, this legislation would also amend the civil and criminal penalties that employers may

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face for violations of New York State's minimum wage or overtime pay laws; and

Whereas, A.10163 was passed by the New York State Assembly on July 1, 2010 and S.8380 was passed by the New York State Senate on June 30, 2010; and

Whereas, Although A.10163 and S.8380 have the same purpose, the bills do not have the exact same provisions; and

Whereas, New Yorkers deserve to get the pay they work hard for every day and the Wage Theft Prevention Act will help ensure they receive it; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to reconcile and pass A.10163 and S.8380, and the Governor sign into law, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention Act.

LS #963
MWC
10-12-10

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