



Legislation Text

File #: Res 0245-2010, **Version:** A

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 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 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