



NEW YORK STATE SENATOR

Joseph P. Addabbo Jr.

Addabbo: Wage Theft Protection Act Now Is Law

JOSEPH P. ADDABBO JR. December 21, 2010

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Co-sponsored Bill S.8380 Penalizing Employers Who Hold Back Wages and Overtime Pay Law Protects Workers from Unethical Treatment in the Workplace

Queens, NY, December 20, 2010 – The Wage Theft Prevention Act (S. 8380/A. 11726), sponsored by Senator Diane J. Savino (D-Staten Island/Brooklyn) and co-sponsored by **Senator Joseph P. Addabbo, Jr.** (D-Howard Beach), was signed into law on Monday, December 13, by Governor David A. Paterson. This new law will effectively expand workplace rights of employees by requiring employers not only to provide employees with necessary wage information, but will put in place sanctions for unethical employers who fail to properly pay their workers full earned wages and overtime.

Senator Addabbo said, “This long, brutal recession not only took a toll on family incomes, but many low-wage workers also opted to stay at their jobs instead of trying to advance themselves because of an uncertain and weak job market.”

As a member of the Senate’s Labor Committee, Senator Addabbo was pleased that at last, this landmark law requires employers to provide workers with necessary wage information, and also will put in place penalties for those employers who fail to properly pay their workers full earned wages and overtime. He believes that this new law credibly targets

dishonest and unfair employers.

Studies indicate that a large number of employees are earning less than state-mandated minimum wage in New York, are being paid less than their correct wage and are not receiving the appropriate amount of overtime compensation. Employers often take advantage of employees by not informing them of what their wages are and how they are calculated. Also, past sanctions on employers found in violation were not strong enough, nor enforced properly, and therefore failed to deter employers from such discriminatory conduct.

Senator Addabbo continued, "The signing of the Wage Theft Prevention Act has sent a message to the thousands of workers who are simply trying to provide for their families that New York is a much more worker-friendly place now. "

The new law will require annual notifications of wages (as well as expansion of these notifications), increase the availability of remedies for wage law violations and create stronger whistleblower protections. Moreover, the law will enforce stricter sanctions on employers who fail to provide employees with proper compensation for their work.

The Wage Theft Prevention Act increases significantly employers' potential liability for violations of the Labor Law. A **summary of the major changes, effective April 12, 2011:**

- Enacts more stringent and transparent record-keeping and employer notification requirements on all employers;
- Increases the amount of wages that can be recovered as damages in a suit for non-payment over and above the lost wages themselves - from 25 percent to 100 percent, the amount allowable under Federal law;
- Creates stronger collection tools;

- Raises criminal penalties for failure to pay minimum wage to up to a year in prison and \$5,000 fine; and
- Strengthens protections for whistleblowers in cases involving wage violations.

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