



**ASSEMBLY STANDING COMMITTEE ON LABOR
ASSEMBLY STANDING COMMITTEE ON JUDICIARY**

NOTICE OF PUBLIC HEARING

SUBJECT: Wage Theft in New York State

PURPOSE: To examine challenges in the prevention and adjudication of wage theft in New York State.

**Assembly Hearing Room
250 Broadway, Room 1923, 19th Floor
New York, New York 10007**

**Tuesday
December 4, 2018
10:00 AM**

ORAL TESTIMONY BY INVITATION ONLY

Wage theft occurs when an employer fails to pay an employee the full wages to which they are legally entitled for their labor. These types of violations often include: paying workers less than the statutory minimum wage rate; compensating employees for only some of the hours worked; denying workers meal breaks; violating tipped wage requirements; misclassifying employees as independent contractors; taking illegal deductions from wages; and failing to provide overtime pay when employees work more than 40 hours in a week. According to a recent study by the Economic Policy Institute, one type of violation in particular – paying workers less than the minimum wage – impacts around 17 percent of low-wage workers in the 10 most populous states in the U.S., including New York. Given these statistics, it is estimated that the total amount of wages stolen by employers across the country exceeds \$15 billion each year.

The Wage Theft Prevention Act was enacted in 2010 to help empower employees in New York State to recover wages that have been withheld by unscrupulous employers. This legislation included important anti-retaliation protections for employees who report wage theft as well as additional powers for the New York State Department of Labor to enforce such laws. In 2014, subsequent legislation was enacted to further strengthen the Wage Theft Prevention Act by increasing the penalties on employers who fail to pay employees for their work and enhancing contractor and sub-contractor accountability for such violations. However, despite this progress, many employees are still vulnerable to wage theft, particularly those in low-wage occupations. The challenge of recovering lost wages has been further hindered by the increased use of mandatory arbitration agreements by employers, which often prevent aggrieved employees from utilizing the rights afforded to them under the New York State Labor Law to recover back pay. The Assembly Standing Committees on Labor and Judiciary recognize that obstacles continue to exist in the prevention and adjudication of wage theft in New York State. The purpose of this hearing is to examine the continuing implementation of the Wage Theft Prevention Act, explore any potential barriers that remain with regard to recovering employees' lost wages, and explore additional measures that may be necessary to hold employers accountable for wage theft violations.

Persons invited to present pertinent testimony to the Committees at the above hearing should complete and return the enclosed reply form as soon as possible. It is important that the reply form be fully completed and returned so that persons may be notified in the event of emergency postponement or cancellation.

Oral testimony will be limited to five (5) minutes' duration. In preparing the order of witnesses, the Committees will attempt to accommodate individual requests to speak at particular times in view of special circumstances. These requests should be made on the attached reply form or communicated to Committee staff as early as possible. Ten (10) copies of any prepared testimony should be submitted at the hearing registration desk. The Committee would appreciate advance receipt of prepared statements.

In order to meet the needs of those who may have a disability, the Assembly, in accordance with its policy of non-discrimination on the basis of disability, as well as the 1990 Americans with Disabilities Act (ADA), has made its facilities and services available to all individuals with disabilities. For individuals with disabilities, accommodations will be provided, upon reasonable request, to afford such individuals access and admission to Assembly facilities and activities.

Michele Titus

**Member of Assembly
Chair
Committee on Labor**

Jeffrey Dinowitz

**Member of Assembly
Chair
Committee on Judiciary**

PUBLIC HEARING REPLY FORM

Persons invited to present testimony at the public hearing on Wage Theft in New York State are requested to complete this reply form as soon as possible, but no later than Friday, November 30, 2018 and mail, email, or fax it to:

Aubree Heydrick
Analyst
Assembly Committee on Labor
Room 520 - Capitol
Albany, New York 12248
Email: heydricka@nyassembly.gov
Phone: (518) 455-4311
Fax: (518) 455-7095

- I plan to attend the following public hearing on Wage Theft in New York State to be conducted by the New York State Assembly Committees on Labor and Judiciary on Tuesday, December 4, 2018.
- I have been invited to make a public statement at the hearing. My statement will be limited to **five (5) minutes**, and I will answer any questions which may arise. I will provide ten (10) copies of my prepared statement.
- I will address my remarks to the following subjects:

- I do not plan to attend the public hearing.
- I would like to be added to the Committees' mailing lists for notices and reports.
- I would like to be removed from the Committees' mailing lists.
- I will require assistance and/or handicapped accessibility information. **Please specify the type of assistance required:**

NAME: _____

TITLE: _____

ORGANIZATION: _____

ADDRESS: _____

E-MAIL: _____

TELEPHONE: _____

FAX: _____