

NYSDOL Issues Proposed Wage Deduction Regulations

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The New York State Department of Labor (NYSDOL) has now issued proposed Wage Deduction regulations with respect to Section 193 of the New York Labor Law (NYLL). Employers have been waiting for guidance from the NYSDOL on this issue since June 2012, when Section 193 of the NYLL was amended to restore employers' ability to make deductions from employee wages in a number of circumstances, including certain overpayments and advances, which the NYSDOL had opined were otherwise impermissible. The Labor Law Section 193 amendments, which became effective on November 6, 2012, included instructions for the NYSDOL to issue regulations governing the timing and frequency of deductions, as well as additional notice requirements and a requirement that employers implement a procedure that employees can use to dispute the amount of the deduction. The newly issued proposed regulations are available on the Department's website at <http://www.labor.ny.gov/legal/wage-deduction-regulation.shtm>. The proposed Wage Deduction regulations will be published in the New York State Register on May 22, 2013, and the New York Department of State will be accepting public comments concerning the proposed regulations until and including July 6, 2013. Comments can be sent to regulations@labor.ny.gov. Because the Wage Deduction regulations are not yet final, employers should continue to proceed cautiously if they plan to implement a program for recovery of overpayments and wage advances before the NYSDOL issues its final regulations.