

A06664 Text:

STATE OF NEW YORK

6664

2025-2026 Regular Sessions

IN ASSEMBLY

March 7, 2025

Introduced by M. of A. BRONSON, SAYEGH,
SHIMSKY, MEEKS, JACOBSON,
GANDOLFO -- read once and referred to the
Committee on Labor

AN ACT to amend the labor law, in relation to
issuing stop-work orders
for misclassification of employees

The People of the State of New York, represented
in Senate and Assem-
bly, do enact as follows:

1 Section 1. The labor law is amended by adding a
new section 45 to read

2 as follows:

3 § 45. Misclassification of employees; stop-work
orders. 1. If the

4 commissioner determines, after an
investigation pursuant to the

5 provisions of this chapter, that an employer has
knowingly misclassified

6 employees as independent contractors or provided
false, incomplete, or

7 misleading information to an insurance company on
8 the number of employ-
9 ees of such employer, the commissioner shall
10 notify such employer in
11 writing of their intention to issue a stop-
12 work order. Such notice
13 shall:
14 a. be served in a manner consistent with section
15 three hundred eight
16 of the civil practice law and rules;
17 b. notify such employer of their right to a
18 hearing;
19 c. notify such employer that they shall have
20 seventy-two hours to
21 address the violation or violations before the
22 stop-work order will be
23 issued; and
24 d. state the factual basis upon which the
25 commissioner has based their
26 decision to issue a stop-work order and how
27 such employer shall come
28 into compliance.
29 2. a. After receipt of such notice, the employer
30 shall have seventy-
31 two hours to come into compliance and to notify the
32 commissioner of such
33 compliance. Within seventy-two hours after the
34 employer's opportunity to
35 come into compliance, if the employer has not come
36 into compliance, the
37 commissioner shall issue a stop-work order
38 requiring the cessation of

EXPLANATION--Matter in italics (underscored) is
new; matter in brackets

[~~-~~] is old law to be omitted.

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1 all business operations of the employer at
2 every site at which the
3 violation occurs.

3 b. A stop-work order shall take effect when
4 served upon the employer
5 or when served at the worksite.

6 c. A stop-work order shall remain in effect
7 until the commissioner
8 issues an order releasing the stop-work order
9 upon finding that the
10 employer has come into compliance and has paid any
11 penalty assessed.

12 3. An employer who is subject to a stop-work
13 order shall have the
14 right to apply to the commissioner, not more
15 than ten days after the
16 order is issued, for a hearing to contest whether
17 the employer committed
18 the violation on which the order was based.

19 4. Failure or refusal to comply with a stop-work
20 order issued by the
21 commissioner shall, in addition to any other
22 penalties authorized by
23 law, result in the assessment of a penalty of not
24 less than one thousand
25 dollars and not more than five thousand dollars for
26 each day the employ-
27 er is found not to be in compliance.

28 5. An employee affected by a stop-work order
29 pursuant to this section
30 shall be paid their regular rate for the period
31 the stop-work order is
32 in place or the first ten days the employee would
33 have been scheduled to
34 work if the stop-work order had not been issued,
35 whichever is less, by
36 the employer that was served the stop-work order.

37 6. Stop-work orders and any additional
38 penalties imposed under this
39 chapter against a corporation, partnership or sole
40 proprietorship shall
41 be effective against any successor entity that
42 has one or more of the
43 same principals or officers as the corporation,
44 partnership or sole
45 proprietorship against which the stop-work
46 order was issued and are

27 engaged in the same or equivalent trade or
28 activity.

29 7. For the purposes of this section, there
30 shall be a rebuttable

31 presumption of unlawful retaliation if an
32 employer in any manner

33 discriminates, retaliates, or takes any adverse
34 action against any

35 employee within ninety days of the employee
36 initiating a complaint

37 pursuant to this article.

38 8. The commissioner shall promulgate any rules
39 and regulations neces-

40 sary to carry out the provisions of this section.

41 § 2. This act shall take effect on the one
42 hundred eightieth day after

43 it shall have become a law.