**Increase Criminal Penalties for Wage Theft**

**Excerpt from Governor Mario Cuomo’s 2019 Justice Agenda, The Time is Now**

New York State continues to be the national leader in returning money to workers who were not paid the proper minimum wage, prevailing wage, overtime pay or fringe benefits. Under Governor Cuomo, the State has seen a dramatic increase in the amount of money returned to workers who were cheated by their employers. In 2018, the Department of Labor collected nearly $35 million and returned that money to approximately 35,000 workers victimized by wage theft and public work violations. Since 2011, DOL has recovered more than $280 million in stolen wages and returned it to 250,000 workers victimized by wage theft and public work violations.

However, despite great success in identifying and prosecuting wage theft and other Labor Law violations in New York State, unscrupulous offenders knowingly steal tens of millions of dollars from workers each year. In addition, while these illegal practices often target the most vulnerable workers, prosecutions are limited as District Attorneys are less likely to prioritize misdemeanors or larcenies, causing regional inconsistencies and leaving millions of stolen dollars uncollected.

Governor Cuomo will advance legislation to increase criminal penalties for employers who knowingly or intentionally commit wage theft violations to more closely align with other forms of theft. Currently, only employers who commit repeat wage theft can be prosecuted with a felony, and such prosecutions are extremely limited. This legislation will amend the Labor Law to provide criminal penalties for employers who knowingly steal wages, with criminal penalties ranging from a Class B misdemeanor for wage theft less than $1,000 to a Class B Felony for wage theft greater than $50,000.

This proposal will enhance the Department of Labor’s ability to make referrals for criminal prosecution as District Attorneys and the Attorney General will now have clear, unequivocal crimes to prosecute. The Department of Labor will continue existing Labor Law enforcement operations, but with the enhanced criminal penalties District Attorneys will be more likely to prosecute wage theft as a crime, and may begin to bring cases of their own, thereby expanding the resources available to combat wage theft throughout the State. Further, enhanced criminal penalties may operate as a deterrent for employers and reduce future instances of wage theft.