



NEW YORK STATE SENATOR

Pete Harckham

Harckham Bill to Protect Workers Passes in Senate

PETE HARCKHAM March 7, 2025

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State Sen. Harckham on Senate floor in Albany

More than 870,000 workers in NY are misclassified, according to a report

Albany, NY – New York State Senator Pete Harckham announced today that his legislation protecting workers who are misclassified by their employers, which often impedes access to important workplace benefits and impacts wages, has been passed in the State Senate. The legislation was part of a large package of bills supporting working New Yorkers approved

this week.

More than 870,000 workers in New York State, mostly in the major low-paying industries like construction, transportation and retailing, are misclassified, according to [one report](#).

The legislation ([S.1514](#)), when enacted, will empower the commissioner of New York's Department of Labor (DOL) to issue stop-work orders against employers for misclassification of employees as independent contractors or for providing false, incomplete, or misleading information to an insurance company on the number of employees who are "on the job" in the workplace.

"Misclassification of employees as independent contractors denies workers the rights they deserve—including minimum wage, overtime pay, unemployment insurance, health insurance and workers' compensation," said Harckham. "My legislation will result in decisive action being undertaken by the state to safeguard the rights of workers. We need to be able to shut down the places where these violations are being committed and check corporate scofflaws. This is a big step for working families statewide, and I thank Majority Leader Stewart-Cousins and my colleagues in the Senate for passing the bill in the comprehensive package of labor legislation."

Employees classified as independent contractors are not required by law to be paid the minimum wage or overtime pay. According to the United States Department of Labor, the purposeful misclassification of employees as independent contractors is one of the most serious issues impacting employees, as misclassified employees are prevented from accessing basic workplace protections, such as the right to minimum wage.

This legislation will allow the New York State Department of Labor to issue a stop work order to an employer found to have knowingly misclassified employees as independent

contractors or provided false, incomplete, or misleading information to an insurance company on the number of employees. This will ensure employees have full protection of the law.

Harckham's bill mandates that employees affected by a stop-work order be paid their regular rate while the order is in effect for the first 10 days the employee would have been scheduled to work. Employees initiating a complaint regarding their misclassification are protected against unlawful retaliation by the employer.

Employees would have 72 hours after they are notified of a violation for their employee classification to be in compliance before the stop-work order is issued.

Thomas Carey, president of the Westchester/Putnam Central Labor AFL-CIO, said, "Once again, Senator Harckham is looking out for the health and safety of workers. Misclassification of workers not only puts our workforce in danger, it also can be detrimental to the consumer and the job site itself. We hope our Labor Commissioner will strictly enforce this important legislation and are grateful to have a strong representative in Senator Harckham. Labor applauds Senator Harckham for prioritizing the safety of the workforce."

Jeff Loughlin, business manager of International Union of Operating Engineers (IUOE) Local 137, said, "For too long, employers have exploited workers by misclassifying them, depriving them of fair compensation and proper workplace protections. Holding these bad actors accountable is a big step forward. I want to thank Senator Harckham for his continued dedication to protecting workers' rights in New York."

RELATED LEGISLATION

2025-S1514

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to issuing stop-work orders for misclassification of employees

January 10, 2025

In Assembly Committee

Sponsored by **Pete Harckham**

Do you support this bill?