

**CHAIRMAN**  
CULTURAL AFFAIRS

**VICE-CHAIRMAN**  
SCIENCE, TECHNOLOGY, INCUBATION  
AND ENTREPRENEURSHIP

**COMMITTEE MEMBER**  
AGING  
AGRICULTURE  
CITIES  
COMMERCE, ECONOMIC DEVELOPMENT  
& SMALL BUSINESS  
CONSUMER PROTECTION  
ENVIRONMENTAL CONSERVATION  
HIGHER EDUCATION

THE SENATE  
STATE OF NEW YORK



**RICH FUNKE**  
Senator, 55TH District

July 18, 2016

**ALBANY OFFICE:**  
ROOM 905  
LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 475-2215  
FAX: (518) 426-6745

**DISTRICT OFFICE:**  
PACKETTS LANDING  
SUITE 230  
FAIRPORT NEW YORK 14450  
(585) 223-1800  
FAX: (585) 223-3157

**E-MAIL ADDRESS:**  
FUNKE@NYSenate.GOV

**WEBSITE:**  
FUNKE.NYSenate.GOV

Ms. Roberta Reardon  
Commissioner  
NYS Department of Labor  
Building 12, State Office Campus  
Albany, NY 12240

Dear Ms. Reardon,

I write to urge the Department of Labor not to mandate that the state's employers undertake a new and administratively burdensome employee consent requirement for deposit authorization where an existing payment authorization is in place.

The revised rulemaking creates hardships and unintended consequences to New York businesses in the form of additional costs for administration and distraction from their core business. Small businesses, in particular, will find compliance with this new state mandate to be burdensome.

The retroactive application of this rule with respect to the payment of wage via direct deposit will provide little if any benefit to employees. The vast majority of employees who currently receive their wages via direct deposit do so without any problems. In fact, any interruption to current direct deposit arrangements for employees may result in additional fees to consumers if they are relying on their direct deposit to cover preauthorized debits for bill payments.

I urge the Department to change its positions with respect to imposing a new notice, employer consent and recordkeeping mandate on the businesses of New York State, and instead allow existing direct deposit payment authorizations to remain in effect.

Sincerely,

Rich Funke  
Senator, 55<sup>th</sup> District