

# EXECUTIVE ORDERS

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## **Executive Order No. 159: Establishing a Permanent Joint Task Force to Fight Worker Exploitation and Employee Misclassification.**

WHEREAS, millions of New York workers are exploited through unfair labor practices including wage theft, retaliation, unsafe or unsanitary working conditions, unstable or unscheduled hours, and illegal deductions for supplies, training, or uniforms; and

WHEREAS, an increasing number of employers in New York improperly classify individuals they hire as “independent contractors,” even when those workers should be legally classified as “employees” (hereinafter referred to as “employee misclassification”); and

WHEREAS, worker exploitation and employee misclassification deprive vulnerable workers of protections and benefits to which they are legally entitled, and negatively affect the health and well-being of workers and their families by diminishing their ability to afford housing, food, and other basic necessities; and

WHEREAS, worker exploitation and employee misclassification give scofflaw employers an improper competitive advantage over law-abiding ones, and also deprive the State of substantial revenues while increasing the demand for payment of social services; and

WHEREAS, it is the policy of this State to promote fairness, combat discrimination, and protect the welfare of all New Yorkers; and

WHEREAS, New York State has a long history of combatting wage theft and unfair labor practices that deprive workers of hard-earned wages and deny them fundamental protections provided by law; and

WHEREAS, on September 5, 2007, Executive Order No. 17 established a Joint Enforcement Task Force (hereinafter referred to as “JETF”) to develop strategies for systemically investigating employee misclassification, and to facilitate the prosecution of scofflaw employers; and

WHEREAS, in May 2015, I launched a multi-agency Nail Salon Industry Enforcement Task Force to prevent unlawful practices and unsafe working conditions in nail salons, recover unpaid wages, shut down unlicensed businesses and businesses out of compliance with state law, and to enforce New York’s health and safety regulations; and

WHEREAS, in July 2015, I established the Exploited Workers’ Task Force to identify and halt illegal practices in additional industries across the State, leading to a surge in wage recoveries; and

WHEREAS, efforts to address worker exploitation and employee misclassification require all State agencies to work collaboratively to assist exploited workers, prosecute abusive employers, and end unfair labor practices; and

WHEREAS, the creation of joint task forces has proven to be an effective mechanism for coordinating agency efforts to end worker exploitation and ensure employers comply with all applicable laws, rules, and regulations;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the power and authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

1. There is hereby established the Joint Task Force on Employee Misclassification and Worker Exploitation (hereinafter referred to as the “Joint Task Force”).

2. The missions and vested powers and duties of the JETF, the Nail

Salon Task Force, and the Exploited Workers’ Task Force shall be merged into the Joint Task Force.

3. The Joint Task Force shall consist of the Department of Agriculture and Markets, the Department of Health, the Department of Labor, the Department of State, the Department of Taxation and Finance, the Office of Children and Family Services, the Division of Criminal Justice Services, the Office of Faith-Based Community Development Services, the Division of Human Rights, the Office of Temporary and Disability Assistance, the State Liquor Authority, the State Police, the Workers’ Compensation Board, and any other agencies and authorities that are necessary or appropriate to further the mission of the Joint Task Force (collectively, the “Joint Task Force members”).

4. The Joint Task Force shall be established as a permanent body vested with the power and duty to:

a. facilitate the sharing of information between Joint Task Force members, relating to suspected employee misclassification and worker exploitation violations, in a timely manner;

b. establish protocols for inter-agency referrals, and establish procedures for referring cases to prosecuting authorities, as appropriate;

c. work cooperatively with labor and community organizations, businesses and business coalitions, and other advocacy groups to: (1) seek and develop new methods of prevention, detection, and deterrence of employee misclassification and worker exploitation, (2) enhance or modify mechanisms for identifying and reporting instances of alleged employee misclassification and worker exploitation, and (3) receive input on educational needs or compliance opportunities;

d. assess and improve existing methods of investigating and taking enforcement action, including developing strategies for systemically investigating industries in which employee misclassification and worker exploitation are most common;

e. facilitate identification of potential violators and filing of complaints, including soliciting referrals and other relevant information from the public through different methods, including but not limited to a telephone hotline, text messaging mechanism, and a Joint Task Force website;

f. increase public awareness about the illegality and harm inflicted by employee misclassification and worker exploitation through educational campaign efforts;

g. work cooperatively with federal, state, and local social services agencies to provide timely assistance to vulnerable populations that have been misclassified and exploited; and

h. identify potential regulatory, statutory, budgetary, administrative, or other actions that would strengthen enforcement and education efforts, including clarifying any existing legal or procedural ambiguities or inconsistencies.

5. The Joint Task Force may host statewide fact-finding sessions to learn more about workplace challenges faced by workers and business representatives in various industries.

6. Every agency, department, office, division, or public authority of the State shall cooperate with the Joint Task Force and furnish such information and assistance as the Joint Task Force determines is reasonably necessary to accomplish its purposes.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twentieth day of July in the year two thousand sixteen.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ William J. Mulrow  
*Secretary to the Governor*