



**STATE OF NEW YORK
DEPARTMENT OF LABOR**
Counsel's Office
345 Hudson Street - Room 8001
New York, New York 10014-0673

January 14, 2003

Mr. Phillip Lee
Miu & Company
Certified Public Accountants
109 Lafayette Street
New York, New York 10013

Re: Your letter of January 9, 2003

Dear Mr. Lee:

I have been asked by the Apparel Industry Task Force to respond to your letter of January 9, 2003, wherein you requested statutory authority for the Department of Labor's policy of enforcing an employer's collective bargaining agreement with a trade union.

Section 191.1 of the Labor Law requires employers to pay wages to workers weekly based on an agreed rate that can be based on an individual or collective agreement.

Section 198-c provides, in pertinent part, that:

any employer who is party to an agreement to pay or provide benefits or wage supplements to employees or to a third party or fund for the benefit of employees and who fails, neglects or refuses to pay the amount ...necessary to provide such benefits or furnish such supplements within thirty days after such payments are required to be made, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section one hundred ninety-eight-a of this article...

Accordingly, the Department will enforce an employer's failure to pay wage rates set forth in a collective bargaining agreement under the above-mentioned provisions of the Labor Law. Please contact me if you have a question.

Yours truly,

A handwritten signature in cursive script, appearing to read 'CH', representing Charles Horwitz.

Charles Horwitz
Senior Attorney

cc: Governor George E. Pataki

Paul Lau, Sportswear Apparel Association, Inc.

Sherman Ng, Continental Garment Manufacturers Association

Metropolitan Area Apparel Association of Greater New York, Inc.

Teddy C. K. Lai, Greater Blouse, Skirt & Undergarment Association, Inc.

Gene Lee, Apparel Industry Task Force