

STATE OF NEW YORK  
DEPARTMENT OF LABOR



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Senator William Sears  
Assemblyman Eric Vitaliano  
Administrative Regulations  
Review Commission  
The Capitol  
Albany, New York 12247

Dear Senator Sears and Assemblyman Vitaliano:

As a further response to your letter of March 14, 1991 to Commissioner Hartnett, I am writing to provide you with a fuller explanation of the Department of Labor's policy regarding wage supplement claims made by individuals earning more than \$45,000 annually.

The Division of Labor Standards reviews such claims when they are received and determines whether to accept or reject them based upon the particular facts and circumstances of each claim. The majority of these claims are rejected by the Division in its exercise of the discretion provided to the Commissioner by Labor Law Section 196.2. However, certain claims, such as those that present egregious situations or involve employers who have other claims against them, will be accepted for handling by the Division. Thus, because the Department does not have a general policy excluding all claims by those who earn more than \$45,000 annually, it is our position that a formal rulemaking pursuant to the State Administrative Procedure Act is not required.

Very truly yours,

Barbara C. Deinhardt

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