

**S8369-B** GOUNARDES Same as [A 9368-A](#) Bronson

ON FILE: 05/29/22 Labor Law

TITLE....Relates to protections for freelance workers

02/17/22 REFERRED TO LABOR

05/10/22 REPORTED AND COMMITTED TO FINANCE

05/25/22 AMEND AND RECOMMIT TO FINANCE

05/25/22 PRINT NUMBER 8369A

05/29/22 AMEND AND RECOMMIT TO FINANCE

05/29/22 PRINT NUMBER 8369B

06/01/22 COMMITTEE DISCHARGED AND COMMITTED TO RULES

06/01/22 ORDERED TO THIRD READING CAL.1775

06/01/22 PASSED SENATE

06/01/22 DELIVERED TO ASSEMBLY

06/01/22 referred to ways and means

06/02/22 substituted for a9368a

06/02/22 ordered to third reading rules cal.617

06/02/22 passed assembly

06/02/22 returned to senate

12/12/22 DELIVERED TO GOVERNOR

12/23/22 VETOED MEMO.170

---

## VETO MESSAGE - No. 170

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 8369-B, entitled:

"AN ACT to amend the labor law, in relation to enacting the "freelance isn't free act"

NOT APPROVED

This bill would require the Department of Labor (DOL) to establish a large-scale program to investigate and adjudicate disputes involving service contracts between businesses and independent contractors with no employment relationship. The bill would require DOL to establish a complaint process that would functionally displace consumer mediation and arbitration, civil courts, and other legal services to resolve contract disputes between private parties. In addition, DOL would be required to administer surveys to collect and analyze data and to periodically publish reports.

I support efforts to ensure that New Yorkers are paid for their hard work. However, the program created by this legislation would require an expense of at least several million dollars annually and require a significant increase in DOL staff. None of these costs are accounted for in the State financial plan. Without appropriate funding, these unbudgeted costs would create significant staffing and programmatic burdens on DOL that would displace resources currently being used to combat wage theft, employee misclassification, and other illegal actions by employers.

Furthermore, this legislation would make DOL responsible for a form of regulation of private contracts between companies and non-employees. Such an entirely new program is well outside the scope of DOL's statutory charge to enforce labor protections for employees, including those who have been misclassified as independent contractors by their employers. For these reasons, DOL could not implement this legislation effectively.

Therefore, I am constrained to veto this bill.

The bill is disapproved.

(signed) KATHY HOCHUL

---