

7034

I N   S E N A T E

April 21, 2014

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to the minimum wage for food service workers receiving tips

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 4 of section 652 of the labor law, as amended  
2     by chapter 747 of the laws of 2004, is amended to read as follows:  
3     4. Notwithstanding subdivisions one and two of this section, the wage  
4     for an employee who is a food service worker receiving tips shall be a  
5     cash wage of at least three dollars and thirty cents per hour on or  
6     after March thirty-first, two thousand; three dollars and eighty-five  
7     cents on or after January first, two thousand five; at least four  
8     dollars and thirty-five cents on or after January first, two thousand  
9     six; [and] at least four dollars and sixty cents on or after January  
10    first, two thousand seven[, provided that the tips of such an employee,  
11    when added to such cash wage, are equal to or exceed]; AND AT LEAST  
12    SEVENTY PERCENT OF the minimum wage in effect pursuant to subdivision  
13    one of this section [and provided further that no other cash wage is  
14    established pursuant to section six hundred fifty-three of this article]  
15    OR SEVENTY PERCENT OF THE MINIMUM WAGE IN EFFECT IN THE APPLICABLE MUNI-  
16    CIPALITY ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN. In the event  
17    the cash wage payable under the Fair Labor Standards Act (29 United  
18    States Code Sec. 203 (m), as amended), is increased after enactment of  
19    this subdivision, the cash wage payable under this subdivision shall  
20    automatically be increased by the proportionate increase in the cash  
21    wage payable under such federal law, and will be immediately enforceable  
22    as the cash wage payable to food service workers under this article.  
23    S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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