

STATE OF NEW YORK

6907

2017-2018 Regular Sessions

IN SENATE

October 11, 2017

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

AN ACT to amend the labor law, in relation to farm worker meal and lodging minimum wage credits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 673 of the labor law is amended by adding a new
2 subdivision 3 to read as follows:

3 3. Meals, lodging and utilities allowances. Notwithstanding any other
4 provision of law or regulation to the contrary, the following items and
5 their respective values may be considered part of the minimum wage rate,
6 and shall be annually adjusted to reflect an increase in the rate of
7 cost of living, as determined by the cost of living adjustment calcula-
8 tor, if any of the following items are provided to the employee:

9 a. Meals. Employees shall receive \$2.95 per meal on or after January
10 1, 2018. No allowance for meals shall be considered as part of the mini-
11 imum wage if a migrant seasonal employee earns less than \$440.87 in a
12 two-week period on or after January 1, 2018, other than by reason of
13 voluntary absence.

14 b. Lodging and utilities. (1) Migrant seasonal employees. No allowance
15 for lodging or utilities shall be considered as part of the minimum wage
16 for a migrant seasonal employee. (2) All other employees. All other
17 employees not provided for in subparagraph one of this paragraph shall
18 receive \$32.89 per week on and after January 1, 2018 per employee for
19 single occupancy or \$21.96 per week on and after January 1, 2018 per
20 employee for multiple occupancy. When a house or apartment and utilities
21 are furnished by an employer to an employee, a fair and reasonable
22 amount may be allowed for such facilities, which amount shall not exceed
23 the lesser of either the reasonable value of comparable facilities in
24 the locality, or \$8.68 a day on and after January 1, 2018 for an indi-
25 vidual employee, and \$13.89 a day on and after January 1, 2018 when the
26 employee's family resides with the employee.

27 § 2. This act shall take effect on the thirtieth day after it shall
28 have become a law.

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

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