STATE OF NEW YORK

10507

IN ASSEMBLY

March 6, 2026

Introduced by M. of A. MEEKS -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to raising the minimum wage to $30 by January 1, 2030 for large employers and by January 1, 2035 for small employers, and by a percentage which is based on inflation thereafter, and to provide for minimum wage requirements for miscellaneous industry workers; to amend the correction law, in relation to minimum wage for incarcerated individuals working in correctional facilities; and to repeal subdivision 6 of section 652 of the labor law relating to minimum wage increases

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

Section 1. Short title. This act shall be known and may be cited as the "living wage for all act".

§ 2. Legislative findings. The legislature hereby finds and declares that:

New York state faces an ongoing affordability crisis that has increased the cost of basic necessities, including housing, child care, food, transportation, and health care, and has placed growing financial strain on working families.

The legislature further finds that the statutory minimum wage has not kept pace with the actual cost of meeting basic needs in many regions of the state, such that full-time work at or near the minimum wage is insufficient for many workers to attain economic security.

The legislature further finds that credible, geographically specific measures of the cost of living--based on the costs of basic household necessities and required taxes--indicate that a living wage in numerous counties and regions of the state is substantially higher than the current minimum wage.

The legislature further finds that when wages are set below a level sufficient to meet basic needs, workers and families are more likely to experience material hardship and economic instability, and public and community resources may be strained by increased demand for assistance.

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

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The legislature further finds that establishing a clear schedule to reach a statewide living wage and providing for predictable annual adjustments thereafter are necessary to prevent erosion in the real value of wages over time and to promote economic stability for workers and communities.

It is therefore the intent of the legislature in enacting this act to raise the minimum wage to a living wage statewide and to provide for ongoing adjustments thereafter in order to maintain the purchasing power of the minimum wage.

§ 3. Subdivision 1 of section 652 of the labor law, as amended by section 1 of part K of chapter 54 of the laws of 2016, paragraph (c) as amended by section 1 of part S of chapter 56 of the laws of 2023, is amended to read as follows:

1. Statutory. Every employer shall pay to each of its employees for each hour worked a wage of not less than:

$4.25 on and after April 1, 1991,
$5.15 on and after March 31, 2000,
$6.00 on and after January 1, 2005,
$6.75 on and after January 1, 2006,
$7.15 on and after January 1, 2007,
$8.00 on and after December 31, 2013,
$8.75 on and after December 31, 2014,
$9.00 on and after December 31, 2015, and until December 31, 2016, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

(a) [~~New York City.~~] (i) Large employers. Every employer of eleven or more employees shall pay to each of its employees for each hour worked in the [~~city~~] **state** of New York a wage of not less than:

$11.00 per hour on and after December 31, 2016,
$13.00 per hour on and after December 31, 2017,
$15.00 per hour on and after December 31, 2018,
$18.75 per hour on and after January 1, 2027,
$22.50 per hour on and after January 1, 2028,
$26.35 per hour on and after January 1, 2029,
$30.00 per hour on and after January 1, 2030, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

(ii) Small employers. Every employer of ten or less employees shall pay to each of its employees for each hour worked in the city of New York a wage of not less than:

$10.50 per hour on and after December 31, 2016,
$12.00 per hour on and after December 31, 2017,
$13.50 per hour on and after December 31, 2018,
$15.00 per hour on and after December 31, 2019,
$16.67 on and after January 1, 2027,
$18.34 on and after January 1, 2028,
$20.01 on and after January 1, 2029,
$21.68 on and after January 1, 2030,
$23.35 on and after January 1, 2031,
$25.02 on and after January 1, 2032,
$26.69 on and after January 1, 2033,
$28.36 on and after January 1, 2034,
$30.00 on and after January 1, 2035, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206

or its successors or such other wage as may be established in accordance with the provisions of this article.

[~~(b) Remainder of downstate. Every employer shall pay to each of its employees for each hour worked in the counties of Nassau, Suffolk and Westchester a wage not less than:~~

~~$10.00 per hour on and after December 31, 2016,~~

~~$11.00 per hour on and after December 31, 2017,~~

~~$12.00 per hour on and after December 31, 2018,~~

~~$13.00 per hour on and after December 31, 2019,~~

~~$14.00 per hour on and after December 31, 2020,~~

~~$15.00 per hour on and after December 31, 2021,~~

~~or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.~~

~~(c) Remainder of state. Every employer shall pay to each of its employees for each hour worked outside of the city of New York and the counties of Nassau, Suffolk, and Westchester, a wage of not less than:~~

~~$9.70 on and after December 31, 2016,~~

~~$10.40 on and after December 31, 2017,~~

~~$11.10 on and after December 31, 2018,~~

~~$11.80 on and after December 31, 2019,~~

~~$12.50 on and after December 31, 2020,~~

~~and on each following December thirty-first up to and until December 31, 2022, a wage published by the commissioner on or before October first, based on the then current minimum wage increased by a percentage determined by the director of the budget in consultation with the commissioner, with the result rounded to the nearest five cents, totaling no more than fifteen dollars, where the percentage increase shall be based on indices including, but not limited to, (i) the rate of inflation for the most recent twelve month period ending June of that year based on the consumer price index for all urban consumers on a national and seasonally unadjusted basis (CPI-U), or a successor index as calculated by the United States department of labor, (ii) the rate of state personal income growth for the prior calendar year, or a successor index, published by the bureau of economic analysis of the United States department of commerce, or (iii) wage growth; or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.~~

~~(d) The rates and schedules established in paragraphs (a) and (b) of this subdivision shall not be deemed to be the minimum wage under this subdivision for purposes of the calculations specified in subdivisions one and two of section five hundred twenty-seven of this chapter.~~]

(b) On January first, two thousand thirty-one, and on each following January first, the wages set forth in paragraph (a) of this subdivision and any other wages established in accordance with the provisions of this chapter and set forth in any minimum wage order, shall be the wages published by the commissioner pursuant to this paragraph. The commissioner shall publish such wages on or before October first, two thousand thirty, and on each following October first. The commissioner shall base each such published wage on each then current wage increased by the sum of: (i) the rate of inflation, if greater than zero, as measured by the change in the average for the twelve months through June of the current year divided by the average for the twelve months through June of the preceding year in the consumer price index for all urban wage earners and clerical workers on a national and seasonally unadjusted basis

(CPI-W), or a successor index, as calculated by the United States department of labor; and (ii) labor productivity growth, if greater than zero, as measured by the change in the average quarterly index for the four quarters through the second quarter of the current year divided by the average quarterly index for the four quarters through the second quarter of the preceding year in national labor productivity (output per hour) of all employed persons in the nonfarm business sector, or a successor index, as calculated by the United States department of labor, with the sum rounded to the nearest multiple of five cents. The commissioner shall publish such wages on or before October first, two thousand thirty, and on or before each following October first. For purposes of subdivision two of this section, each published wage that increases each then current minimum wage shall be deemed to be an increase in hourly minimum wage as provided in this subdivision.

§ 4. Subdivision 6 of section 652 of the labor law is REPEALED.

§ 5. Section 196-d of the labor law, as added by chapter 1007 of the laws of 1968, is amended to read as follows:

§ 196-d. Gratuities. No employer or [~~his~~] their agent or an officer or agent of any corporation, or any other person shall demand or accept, directly or indirectly, any part of the gratuities, received by an employee, or retain any part of a gratuity or of any charge purported to be a gratuity for an employee. This provision shall not apply to the checking of hats, coats or other apparel. Nothing in this subdivision shall be construed as affecting the allowances from the minimum wage for gratuities in the amount determined in accordance with the provisions of article nineteen of this chapter nor as affecting practices in connection with banquets and other special functions where a fixed percentage of the patron's bill is added for gratuities which are distributed to employees, nor to the sharing of tips by a waiter, if the employer takes a credit for gratuities as permitted by subdivision two of section six hundred fifty-two of this chapter with a busboy or similar employee, or, if the employer does not take a credit for gratuities as permitted by subdivision two of section six hundred fifty-two of this chapter, with any other non-managerial and non-supervisory employees.

§ 6. Section 651 of the labor law is amended by adding a new subdivision 10 to read as follows:

10. "Miscellaneous industry worker" means any employee covered by the minimum wage order for miscellaneous industries and occupations pursuant to the provisions of 12 NYCRR part 142, including, but not limited to, car wash attendants, nail salon workers, tow truck drivers, dog groomers, wedding planners, tour guides, valet parking attendants, hairdressers, aestheticians, golf and tennis instructors, and door-persons.

§ 7. Subdivisions 2 and 4 of section 652 of the labor law, as amended by section 3 of part S of chapter 56 of the laws of 2023, are amended to read as follows:

2. Existing wage orders. The minimum wage orders in effect on the effective date of this act shall remain in full force and effect, except as modified in accordance with the provisions of this article; provided, however, that the minimum wage order for farm workers codified at part one hundred ninety of title twelve of the New York code of rules and regulations in effect on January first, two thousand twenty shall be deemed to be a wage order established and adopted under this article and shall remain in full force and effect except as modified in accordance with the provisions of this article or article nineteen-A of this chapter.

Such minimum wage orders shall be modified by the commissioner to increase all monetary amounts specified therein in the same proportion as the increase in the hourly minimum wage as provided in subdivisions one, one-a, and one-b of this section, including the amounts specified in such minimum wage orders as allowances for gratuities **if not otherwise prohibited by a municipality within its geographic boundaries**, and when furnished by the employer to its employees, for meals, lodging, apparel and other such items, services and facilities. All amounts so modified shall be rounded off to the nearest five cents. The modified orders shall be promulgated by the commissioner without a public hearing, and without reference to a wage board, and shall become effective on the effective date of such increases in the minimum wage except as otherwise provided in this subdivision, notwithstanding any other provision of this article.

4. **(a)** Notwithstanding subdivisions one[~~, one-a, one-b,~~] and two of this section **and section six hundred fifty-three of this article**, the wage for an employee who is a food service worker **or service employee** receiving tips **and paid pursuant to the provisions of 12 NYCRR part 146** shall be [~~a cash wage of at least two-thirds of the minimum wage rates set forth in subdivision one of this section, rounded to the nearest five cents or seven dollars and fifty cents, whichever is higher, provided that the tips of such an employee, when added to such cash wage, are equal to or exceed the minimum wage in effect pursuant to subdivisions one, one-a, and one-b of this section and provided further that no other cash wage is established pursuant to section six hundred fifty-three of this article~~] **, for each hour worked in the state of New York, as follows:**

(i) Large employers. Every employer of eleven or more employees shall pay to each of its employees for each hour worked in the state of New York a cash wage of not less than:

$18.75 on and after January 1, 2027,

$22.50 on and after January 1, 2028,

$26.35 on and after January 1, 2029,

$30.00 per hour on and after January 1, 2030,

and beginning on January first, two thousand thirty-one, a cash wage rate established by the commissioner annually, indexed to inflation as described in subdivision one-b of this section.

(ii) Small employers. Every employer of ten or less employees shall pay to each of its employees for each hour worked in the state of New York a wage of not less than:

$16.67 on and after January 1, 2027,

$18.34 on and after January 1, 2028,

$20.01 on and after January 1, 2029,

$21.68 on and after January 1, 2030,

$23.35 on and after January 1, 2031,

$25.02 on and after January 1, 2032,

$26.69 on and after January 1, 2033,

$28.36 on and after January 1, 2034,

$30.00 on and after January 1, 2035,

and beginning on January first, two thousand thirty-one, a cash wage rate established by the commissioner annually, indexed to inflation as described in subdivision one-b of this section.

(b) Notwithstanding subdivisions one and two of this section, the wage for an employee who is a miscellaneous industry worker receiving tips and paid pursuant to the provisions of 12 NYCRR part 142 shall be, for each hour worked in the city of New York, a cash wage of not less than

the cash wage rate as described in paragraph (a) of subdivision one-a of this section.

(c) Notwithstanding subdivisions one and two of this section, the wage for an employee who is a miscellaneous industry worker receiving tips and paid pursuant to the provisions of 12 NYCRR part 142 shall be, for each hour worked in the counties of Nassau, Suffolk and Westchester, a cash wage of not less than the cash wage rate as described in paragraph (b) of subdivision one-a of this section.

(d) Notwithstanding subdivisions one and two of this section, the wage for an employee who is a miscellaneous industry worker receiving tips and paid pursuant to the provisions of 12 NYCRR part 142 shall be for each hour worked outside the city of New York and the counties of Nassau, Suffolk and Westchester, a cash wage of not less than the cash wage rate as described in paragraph (c) of subdivision one-a of this section.

§ 8. Subdivision 2 of section 653 of the labor law, as added by chapter 14 of the laws of 2000, is amended to read as follows:

(2) The commissioner shall, within six months after enactment of any change in the statutory minimum wage set forth in subdivision one of section six hundred fifty-two of this article, appoint a wage board to inquire and report and recommend any changes to wage orders governing wages payable to food service workers. Such wage board shall be established consistent with the provisions of subdivision one of section six hundred fifty-five of this article, except the representatives of the employees shall be selected upon the nomination of the state American Federation of Labor/Congress of Industrial Organizations; and provided, further, that the representatives of the employers shall be selected upon the nomination of the New York State Business Council. [~~Any~~] Notwithstanding section six hundred fifty-five of this article, a wage order [~~authorizing~~] under this subdivision shall not authorize a lesser wage than the previously and statutorily mandated minimum wage for such employees [~~shall be reviewed by the wage board to ascertain at what level such wage order is sufficient to provide adequate maintenance and to protect the health and livelihood of employees subject to such a wage order after a statutory increase in the mandated minimum wage~~].

§ 9. Paragraph (c) of subdivision 5 of section 655 of the labor law, as amended by chapter 747 of the laws of 1978, is amended to read as follows:

(c) The wage board may also recommend, to the extent necessary in order to prevent curtailment of opportunities for employment, regulations for (1) the employment of learners and apprentices, under special certificates issued by the commissioner, at such wages lower than the minimum wage established by this article and subject to such limitations as to time, number, proportion and length of service as shall be prescribed in such regulation, (2) [~~the employment of individuals whose earning capacity is affected or impaired by youth or age or by physical or mental deficiency or injury, under special certificates issued by the commissioner, at such wages lower than the minimum wage established by this article and for such period as shall be prescribed in such regulation, (3)~~] the establishment of a period not extending beyond seventeen consecutive weeks during which a resort hotel or camp may employ students under special certificates issued by the commissioner, at such wages lower than the minimum wage established by this article as shall be prescribed in such regulation, and [~~(4)~~] (3) the employment of residential employees in a non-profit making religious, charitable or educational organization or in a non-profit making college

or university sorority or fraternity under special certificates issued by the commissioner at such weekly wage as shall be prescribed in such regulation.

§ 10. The opening paragraph of subdivision 5 of section 651 of the labor law, as amended by chapter 391 of the laws of 2024, is amended to read as follows:

"Employee" includes any individual employed or permitted to work by an employer in any occupation, but shall not include any individual who is employed or permitted to work: (a) on a casual basis in service as a part time baby sitter in the home of the employer; (b) in a bona fide executive, administrative, or professional capacity; (c) as an outside salesman; (d) as a driver engaged in operating a taxicab; (e) as a volunteer, learner or apprentice by a corporation, unincorporated association, community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual; (f) as a member of a religious order, or as a duly ordained, commissioned or licensed minister, priest or rabbi, or as a sexton, or as a christian science reader; (g) in or for such a religious or charitable institution, which work is incidental to or in return for charitable aid conferred upon such individual and not under any express contract of hire; (h) in or for such a religious, educational or charitable institution if such individual is a student; (i) [~~in or for such a religious, educational or charitable institution if the earning capacity of such individual is impaired by age or by physical or mental deficiency or injury; (j)~~] in or for a summer camp or conference of such a religious, educational or charitable institution for not more than three months annually; [~~(k)~~] **(j)** as a staff counselor in a children's camp; [~~(l)~~] **(k)** in or for a college or university fraternity, sorority, student association or faculty association, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which is recognized by such college or university, if such individual is a student; [~~(m)~~] **(l)** by a federal, state or municipal government or political subdivision thereof; [~~(n)~~] **(m)** as a volunteer at a recreational or amusement event run by a business that operates such events, provided that no single such event lasts longer than eight consecutive days and no more than one such event concerning substantially the same subject matter occurs in any calendar year, where (1) any such volunteer shall be at least eighteen years of age, (2) a business seeking coverage under this paragraph shall notify every volunteer in writing, in language acceptable to the commissioner, that by volunteering [~~his or her~~] **such volunteer's** services, such volunteer is waiving [~~his or her~~] **such volunteer's** right to receive the minimum wage pursuant to this article, and (3) such notice shall be signed and dated by a representative of the business and the volunteer and kept on file by the business for thirty-six months; [~~(o)~~] **(n)** in the delivery of newspapers or shopping news to the consumer by a person who is not performing commercial goods transportation services for a commercial goods transportation contractor within the meaning of article twenty-five-C of this chapter; or [~~(p)~~] **(o)** having entered into a contract to play baseball at the minor league level and who is compensated pursuant to the terms of a collective bargaining agreement that expressly provides for the wages, hours of work, and working conditions of employees. The exclusions from the term "employee" contained in this subdivision shall be as defined by regulations of the commissioner.

§ 11. Section 171 of the correction law is amended by adding a new subdivision 3 to read as follows:

3. Incarcerated individuals who are working in correctional facilities of this state, or any of its counties, shall be paid the full minimum wage in accordance with subdivision one of section six hundred fifty-two of the labor law.

§ 12. The labor law is amended by adding a new section 666 to read as follows:

§ 666. Non-preemption clause. Nothing in this article or any other provision of law shall be deemed to prohibit any municipality from establishing or enforcing within its geographic boundaries payment of minimum wage or benefits standards that are higher or more protective than those established pursuant to this article or from prohibiting the taking of an allowance for gratuities toward the minimum wage as otherwise permitted by subdivision two of section six hundred fifty-two of this article.

§ 13. The commissioner of labor shall, no later than one hundred eighty days after the effective date of this act, promulgate any regulations and amend any minimum wage order or wage order issued pursuant to article nineteen of the labor law, including but not limited to 12 NYCRR parts 142, 143 and 146, and any successor provisions, as are necessary to implement this act and to ensure that no special certificate, regulation or wage order authorizes payment of wages below the minimum wage established by article nineteen of the labor law to individuals whose earning capacity is affected or impaired by physical or mental deficiency or injury.

§ 14. This act shall take effect immediately.