

8767

I N A S S E M B L Y

February 12, 2014

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

AN ACT to amend the municipal home rule law and the labor law, in relation to enacting the Fair Local Wage Act allowing localities to raise minimum wages by twenty-five percent

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

1 Section 1. This act shall be known and may be cited as the "Fair Local
2 Wage Act".

3 S 2. Paragraph f of subdivision 1 of section 11 of the municipal home
4 rule law, as amended by chapter 21 of the laws of 1992, is amended to
5 read as follows:

6 f. Applies to or affects any provision of paragraph (c) of subdivision
7 one of section 8-100 of the election law, the labor law, EXCEPT AS
8 PROVIDED IN SUBDIVISION TWO OF SECTION SIX HUNDRED FIFTY-FOUR OF THE
9 LABOR LAW, sections two, three and four of chapter one thousand eleven
10 of the laws of nineteen hundred sixty-eight, entitled "An act in
11 relation to the maximum hours of labor of certain municipal and fire
12 district firemen and the holidays of firemen and policemen, repealing
13 certain sections of the labor law relating thereto, and to amend the
14 municipal home rule law, in relation thereto," as amended, the volunteer
15 [firemen's] FIREFIGHTERS' benefit law, or the [workmen's] WORKERS'
16 compensation law or changes any provision of the multiple residence law
17 or the multiple dwelling law, except that in a city of one million
18 persons or more, the provisions of local law for the enforcement of the
19 housing code which is not less restrictive than the multiple dwelling
20 law may be applied in the enforcement of the multiple dwelling law.

21 S 3. Section 654 of the labor law, as added by chapter 619 of the laws
22 of 1960, is amended to read as follows:

23 S 654. Basis of changes in minimum wage. (1) In establishing minimum
24 wages and regulations for any occupation or occupations pursuant to the
25 provisions of the following sections of this article, the wage board and
26 the commissioner shall consider the amount sufficient to provide
27 adequate maintenance and to protect health and, in addition, the wage

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

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1 board and the commissioner shall consider the value of the work or clas-
2 sification of work performed, and the wages paid in the state for work
3 of like or comparable character.

4 (2) COUNTIES, CITIES, TOWNS, VILLAGES AND PUBLIC BENEFIT CORPORATIONS
5 ARE AUTHORIZED TO ENACT HIGHER MINIMUM WAGES UP TO TWENTY-FIVE PERCENT
6 HIGHER THAN THE MINIMUM WAGE ESTABLISHED FOR EACH CLASS PURSUANT TO THIS
7 ARTICLE AND ARTICLE NINETEEN-A OF THIS CHAPTER.

8 S 4. Subdivision 1 of section 662 of the labor law, as amended by
9 chapter 564 of the laws of 2010, is amended to read as follows:

10 1. Failure to pay minimum wage or overtime compensation. Any employer
11 or his or her agent, or the officer or agent of any corporation, part-
12 nership, or limited liability company, who pays or agrees to pay to any
13 employee less than the wage applicable under this article, INCLUDING ANY
14 MINIMUM WAGE ESTABLISHED BY A COUNTY, CITY, TOWN, VILLAGE, OR PUBLIC
15 BENEFIT CORPORATION, shall be guilty of a misdemeanor and upon
16 conviction therefor shall be fined not less than five hundred nor more
17 than twenty thousand dollars or imprisoned for not more than one year,
18 and, in the event that any second or subsequent offense occurs within
19 six years of the date of conviction for a prior offense, shall be guilty
20 of a felony for the second or subsequent offense, and upon conviction
21 therefor, shall be fined not less than five hundred nor more than twenty
22 thousand dollars or imprisoned for not more than one year plus one day,
23 or punished by both such fine and imprisonment, for each such offense.
24 Each payment to any employee in any week of less than the wage applica-
25 ble under this article shall constitute a separate offense.

26 S 5. This act shall take effect on the ninetieth day after it shall
27 have become a law.