

8767--A

I N   A S S E M B L Y

February 12, 2014

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Introduced by M. of A. KAVANAGH, HEASTIE, ABINANTI, MOSLEY -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 thirty 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

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

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1 the commissioner shall consider the amount sufficient to provide  
2 adequate maintenance and to protect health and, in addition, the wage  
3 board and the commissioner shall consider the value of the work or clas-  
4 sification of work performed, and the wages paid in the state for work  
5 of like or comparable character.

6 (2) COUNTIES OR CITIES ARE AUTHORIZED TO ENACT HIGHER MINIMUM WAGES UP  
7 TO THIRTY PERCENT HIGHER THAN THE MINIMUM WAGE ESTABLISHED FOR EACH  
8 CLASS PURSUANT TO THIS ARTICLE AND ARTICLE NINETEEN-A OF THIS CHAPTER.

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

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

27 S 5. Nothing in this act shall have any effect on the authority of  
28 counties or cities to adopt standards relating to wages, hours, or other  
29 working conditions, or mechanisms for the enforcement thereof, that are  
30 not inconsistent with the provisions of this act.

31 S 6. This act shall take effect immediately.