

8022

2015-2016 Regular Sessions

I N A S S E M B L Y

June 4, 2015

Introduced by M. of A. PALMESANO, OAKS, BARCLAY, FINCH, GIGLIO -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to minimum wage order increases

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

1 Section 1. Section 652 of the labor law is amended by adding a new
2 subdivision 7 to read as follows:
3 7. NEW WAGE ORDERS. NO NEW MINIMUM WAGE ORDER OR MODIFICATION OF AN
4 EXISTING WAGE ORDER ISSUED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE
5 SHALL BE EFFECTIVE UNTIL THE LEGISLATURE AUTHORIZES THE WAGE INCREASE
6 CONTAINED WITHIN SUCH ORDER.
7 S 2. Section 654 of the labor law, as added by chapter 619 of the laws
8 of 1960, is amended to read as follows:
9 S 654. Basis of changes in minimum wage. In establishing minimum
10 wages and regulations for any occupation or occupations pursuant to the
11 provisions of the following sections of this article, the wage board and
12 the commissioner shall consider the amount sufficient to provide
13 adequate maintenance and to protect health and, in addition, the wage
14 board and the commissioner shall consider the value of the work or clas-
15 sification of work performed, and the wages paid in the state for work
16 of like or comparable character. FURTHER, THE COMMISSIONER SHALL USE
17 EXISTING EMPLOYMENT DATA TO PREPARE AN ANALYSIS OF THE POSSIBLE AGGRE-
18 GATE COST INCURRED BY BUSINESSES LOCATED WITHIN THE STATE OF NEW YORK
19 FOR SUCH AN INCREASE.
20 S 3. Subdivision 4 of section 655 of the labor law, as added by chap-
21 ter 619 of the laws of 1960, is amended to read as follows:
22 4. Report. Within forty-five days of the appointment of the wage board
23 to inquire into wages in any occupation or occupations, the board shall
24 (a) conduct public hearings and (b) submit to the commissioner a report,
25 including its recommendations as to minimum wages and regulations for

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

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1 the employees in such occupation or occupations. The report and recom-
2 mendations of the board shall be submitted only after [a] THE UNANIMOUS
3 vote of [not less than a majority of] all its members in support of such
4 report and recommendations. No report or recommendation of a panel shall
5 be submitted without the prior vote of [not less than a majority of] all
6 the members of the board in support of such report or recommendation.
7 The commissioner may extend up to ninety days the time in which the
8 report shall be submitted.

9 S 4. Section 656 of the labor law, as added by chapter 619 of the laws
10 of 1960, is amended to read as follows:

11 S 656. Action by commissioner upon wage board report. When the wage
12 board submits its report and recommendations to the commissioner, the
13 commissioner shall forthwith file them with the secretary of the depart-
14 ment. Within five days of their receipt, the commissioner shall publish
15 a notice of such filing in at least ten newspapers of general circu-
16 lation in the state. Any objections to the report and recommendations
17 shall be filed with the commissioner within fifteen days after such
18 publication. The commissioner may, if he deems it appropriate, order
19 oral argument, which shall be scheduled before the commissioner, or such
20 representative as he may designate, on five days' notice to the persons
21 who have filed objections to the report and recommendations. Whether or
22 not oral argument is scheduled, the commissioner shall [by order] accept
23 [or], reject, OR MODIFY the board's report and recommendations within
24 forty-five days after filing with the secretary of the department AND
25 SUBMIT A REPORT TO THE LEGISLATURE, WHICH SHALL INCLUDE (I) THE RECOM-
26 MENDATIONS OF THE WAGE BOARD; (II) A STATEMENT INDICATING WHETHER THE
27 COMMISSIONER ACCEPTS, REJECTS OR RECOMMENDS MODIFICATION OF THE BOARD'S
28 REPORT AND RECOMMENDATIONS; (III) ANY AND ALL OBJECTIONS TO THE REPORT
29 AND RECOMMENDATIONS FILED WITH THE COMMISSIONER; AND (IV) THE ANALYSIS
30 REQUIRED BY SECTION SIX HUNDRED FIFTY-FOUR OF THIS ARTICLE. [The commis-
31 sioner may by such order modify the regulations recommended by the
32 board. Such order of the commissioner shall become effective thirty days
33 after publication, in the manner prescribed in this section, of a notice
34 of such order.] The commissioner may, within such forty-five days,
35 confer with the wage board, which may make such changes in its report or
36 recommendations as it may deem fit. The commissioner also may, within
37 such forty-five days, remand the matter to the board for such further
38 proceeding as he may direct.

39 S 5. This act shall take effect immediately.