

3257--A

2015-2016 Regular Sessions

I N S E N A T E

February 4, 2015

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to the minimum wage for food service workers receiving tips

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

1 Section 1. Subdivision 4 of section 652 of the labor law, as amended
2 by chapter 747 of the laws of 2004, is amended to read as follows:
3 4. Notwithstanding subdivisions one and two of this section, the wage
4 for an employee who is a food service worker receiving tips shall be a
5 cash wage of at least three dollars and thirty cents per hour on or
6 after March thirty-first, two thousand; three dollars and eighty-five
7 cents on or after January first, two thousand five; at least four
8 dollars and thirty-five cents on or after January first, two thousand
9 six; [and] at least four dollars and sixty cents on or after January
10 first, two thousand seven[, provided that the tips of such an employee,
11 when added to such cash wage, are equal to or exceed]; AND AT LEAST
12 SEVENTY PERCENT OF the minimum wage in effect pursuant to subdivision
13 one of this section [and provided further that no other cash wage is
14 established pursuant to section six hundred fifty-three of this article]
15 OR SEVENTY PERCENT OF THE MINIMUM WAGE IN EFFECT IN THE APPLICABLE MUNI-
16 CIPALITY ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN. In the
17 event the cash wage payable under the Fair Labor Standards Act (29
18 United States Code Sec. 203 (m), as amended), is increased after enact-
19 ment of this subdivision, the cash wage payable under this subdivision
20 shall automatically be increased by the proportionate increase in the
21 cash wage payable under such federal law, and will be immediately
22 enforceable as the cash wage payable to food service workers under this
23 article.
24 S 2. This act shall take effect immediately.

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

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