S T A T E O F N E W Y O R K

4160--A

2015-2016 Regular Sessions

I N S E N A T E

March 3, 2015

Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to establishing the make a living wage recognition program

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

Section 1. This act shall be known and may be cited as the "make a living wage act".

S 2. The labor law is amended by adding a new article 19-D to read as follows:

ARTICLE 19-D

MAKE A LIVING WAGE RECOGNITION PROGRAM

SECTION 696. MAKE A LIVING WAGE RECOGNITION BOARD.
696-A. COUNTY LIVING WAGE STANDARD.
696-B. RECOGNITION OF BUSINESSES.
696-C. APPLICATION PROCEDURES AND FEE.

S 696. MAKE A LIVING WAGE RECOGNITION BOARD. 1. THE COMMISSIONER SHALL ESTABLISH A BOARD TO ADMINISTER THE PROVISIONS OF THIS ARTICLE. SUCH BOARD SHALL BE KNOWN AS THE "MAKE A LIVING WAGE RECOGNITION BOARD" AND SHALL CONSIST OF FIVE MEMBERS ONE OF EACH OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY. THE BOARD SHALL HAVE THE POWER TO TAKE SUCH ACTIONS AS IT DEEMS NECESSARY AND PROPER TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE.

S 696-A. COUNTY LIVING WAGE STANDARD. THE BOARD ESTABLISHED PURSUANT TO SECTION SIX HUNDRED NINETY-SIX OF THIS ARTICLE SHALL ANNUALLY ESTABLISH, NO LATER THAN THE FINAL DAY OF MARCH OF EACH YEAR, A LIVING WAGE STANDARD FOR EACH COUNTY IN NEW YORK STATE.

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

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1. SUCH LIVING WAGE STANDARD FOR EACH COUNTY IN THE STATE, EXCEPT THOSE COUNTIES SET OUT IN SUBDIVISION TWO OF THIS SECTION SHALL BE CALCULATED BY AVERAGING THE FAIR MARKET RENT PRICE FOR A ONE-BEDROOM UNIT, AS DETERMINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OVER THE PREVIOUS FOUR YEARS AND THEN DIVIDING SUCH FIGURE BY THIRTY PERCENT AND THEN MULTIPLYING SUCH FIGURE BY TWELVE AND THEN DIVIDING SUCH FIGURE BY TWO THOUSAND EIGHTY.

2. THE LIVING WAGE STANDARD FOR THE COUNTIES OF BRONX, DUTCHESS, KINGS, NASSAU, NEW YORK, ORANGE, PUTNAM, QUEENS, RICHMOND, ROCKLAND, SUFFOLK, AND WESTCHESTER SHALL BE CALCULATED BY AVERAGING THE FAIR MARKET PRICE FOR A ONE-BEDROOM UNIT, AS DETERMINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OVER THE PREVIOUS FOUR YEARS AND THEN DIVIDING SUCH FIGURE BY THIRTY-FIVE PERCENT AND THEN MULTIPLYING SUCH FIGURE BY TWELVE AND THEN DIVIDING SUCH FIGURE BY TWO THOUSAND EIGHTY.

THE RESULTING FIGURE SHALL, IN TERMS OF DOLLARS, BE ROUNDED TO THE NEAREST NICKEL AND SHALL CONSTITUTE A COUNTY'S LIVING WAGE PER HOUR OF WORK PERFORMED. THE BOARD MAY, IN ITS DISCRETION, ADJUST A COUNTY'S LIVING WAGE STANDARD DOWNWARD IF THE FORMULA ESTABLISHED BY THIS SECTION YIELDS A GREATER THAN TWO PERCENT INCREASE OVER THE PREVIOUS YEAR'S LIVING WAGE STANDARD.

S 696-B. RECOGNITION OF BUSINESSES. 1. A BUSINESS IN A COUNTY THAT ELECTS TO PAY THE LIVING WAGE STANDARD ESTABLISHED PURSUANT TO SECTION SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE SHALL BE RECOGNIZED AS A "MAKE A LIVING NEW YORK BUSINESS" IF SUCH BUSINESS PAYS ALL EMPLOYEES, AS DEFINED IN SECTION SIX HUNDRED FIFTY-ONE OF THIS CHAPTER, AN HOURLY WAGE GREATER THAN OR EQUAL TO SUCH LIVING WAGE STANDARD IN THE COUNTY IN WHICH THE PLACE OF EMPLOYMENT OF SUCH EMPLOYEES IS LOCATED, PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS ARTICLE, EXCEPTIONS TO THE DEFINITION OF AN EMPLOYEE SHALL INCLUDE MINORS, INTERNS, INDIVIDUALS EMPLOYED ON A TEMPORARY BASIS OR INDIVIDUALS EMPLOYED DURING A PROBATIONARY PERIOD OF NO MORE THAN NINETY DAYS.

A MUNICIPALITY MAY ADOPT A LIVING WAGE STANDARD IN EXCESS OF THE LIVING WAGE STANDARD ESTABLISHED FOR A COUNTY IN ACCORDANCE WITH SECTION SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE. RECOGNITION AS A "MAKE A LIVING NEW YORK BUSINESS" SHALL THEN BE CONTINGENT ON A BUSINESS PAYING EMPLOYEES THE WAGE ADOPTED BY SUCH MUNICIPALITY. BUSINESSES SHALL SUBMIT SUCH PROOF AS MAY BE DEEMED NECESSARY BY THE BOARD ESTABLISHED PURSUANT TO SECTION SIX HUNDRED NINETY-SIX OF THIS ARTICLE TO ENSURE COMPLIANCE WITH THIS ARTICLE.

2. A BUSINESS SHALL SPECIFY THE TOTAL NUMBER OF INDIVIDUALS IT EMPLOYS AND THE NUMBER OF SUCH EMPLOYED INDIVIDUALS WHO DO NOT MEET THE DEFINITION OF AN EMPLOYEE AS USED IN THIS ARTICLE. IF SUCH LATTER EMPLOYED INDIVIDUALS CONSTITUTE A MAJORITY OF A BUSINESS'S WORKFORCE, SUCH BUSINESS SHALL BE INELIGIBLE FOR RECOGNITION UNDER THIS ARTICLE.

3. A BUSINESS THAT OFFERS EMPLOYER-PROVIDED HEALTH INSURANCE THAT COVERS AT LEAST FIFTY PERCENT OF AN EMPLOYEE'S HEALTH INSURANCE COSTS MAY, IN CONSIDERATION THEREOF, PAY EMPLOYEES ACCEPTING SUCH COVERAGE TEN PERCENT LESS THAN THE LIVING WAGE THAT WOULD OTHERWISE APPLY.

4. A BUSINESS THAT GRANTS EMPLOYEE BENEFITS RELATING TO HOUSING, TRANSPORTATION OR FOOD COSTS MAY, IN CONSIDERATION THEREOF AND UPON APPROVAL BY A MAJORITY VOTE OF THE BOARD ESTABLISHED PURSUANT TO SECTION SIX HUNDRED NINETY-SIX OF THIS ARTICLE, REDUCE THE LIVING WAGE STANDARD THAT WOULD OTHERWISE APPLY IN AN AMOUNT DETERMINED BY SUCH BOARD.

S 696-C. APPLICATION PROCEDURES AND FEE. 1. THE COMMISSIONER SHALL ESTABLISH A WEB PAGE THROUGH WHICH A BUSINESS SHALL APPLY FOR RECOGNITION PURSUANT TO SECTION SIX HUNDRED NINETY-SIX-B OF THIS ARTICLE. ON A

SEPARATE WEB PAGE THE COMMISSIONER SHALL LIST, BY COUNTY, ALL BUSINESSES RECOGNIZED PURSUANT TO THIS ARTICLE.

2. THE FEE FOR AN APPLICATION FOR RECOGNITION SHALL BE AS FOLLOWS:

(A) FOR NON-PROFITMAKING INSTITUTIONS, AS DEFINED IN SECTION SIX HUNDRED FIFTY-ONE OF THIS CHAPTER: ZERO DOLLARS;

(B) FOR EMPLOYERS EMPLOYING TEN OR FEWER EMPLOYEES: FIFTY DOLLARS;

(C) FOR EMPLOYERS EMPLOYING ELEVEN TO TWENTY-FIVE EMPLOYEES: ONE HUNDRED DOLLARS;

(D) FOR EMPLOYERS EMPLOYING TWENTY-SIX TO FORTY-NINE EMPLOYEES: TWO HUNDRED DOLLARS; AND

(E) FOR EMPLOYERS EMPLOYING FIFTY OR MORE EMPLOYEES: TWO HUNDRED FIFTY DOLLARS.

3. A BUSINESS SHALL APPLY FOR RECOGNITION FOR THE SAME FEE EVERY YEAR A COUNTY LIVING WAGE STANDARD CHANGES FROM THE PREVIOUS YEAR.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.