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

4326

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

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

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

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

Section 1. Subdivision 4 of section 652 of the labor law, as amended by chapter 747 of the laws of 2004, is amended to read as follows:

4. Notwithstanding subdivisions one and two of this section, the wage for an employee who is a food service worker receiving tips shall be a cash wage of at least three dollars and thirty cents per hour on or after March thirty-first, two thousand; three dollars and eighty-five cents on or after January first, two thousand five; at least four dollars and thirty-five cents on or after January first, two thousand six; [and] at least four dollars and sixty cents on or after January first, two thousand seven[, provided that the tips of such an employee, when added to such cash wage, are equal to or exceed]; AND EQUAL TO the minimum wage in effect pursuant to subdivision one of this section [and provided further that no other cash wage is established pursuant to section six hundred fifty-three of this article] ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN. In the event the cash wage payable under the Fair Labor Standards Act (29 United States Code Sec. 203 (m), as amended), is increased after enactment of this subdivision, the cash wage payable under this subdivision shall automatically be increased by the proportionate increase in the cash wage payable under such federal law, and will be immediately enforceable as the cash wage payable to food service workers under this article.

S 2. Section 652 of the labor law is amended by adding a new subdivision 3-a to read as follows:

3-A. NOTWITHSTANDING SUBDIVISIONS ONE AND TWO OF THIS SECTION, THE WAGE FOR AN EMPLOYEE WHO IS A SERVICE WORKER, INCLUDING AN EMPLOYEE WHO

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

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IS A RESORT SERVICE WORKER, RECEIVING TIPS SHALL BE A CASH WAGE EQUAL TO THE MINIMUM WAGE IN EFFECT PURSUANT TO SUBDIVISION ONE OF THIS SECTION ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN.

S 3. This act shall take effect immediately.