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

3269--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 Local Government -- recommitted to the Committee on Local Government 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 municipal home rule law and the labor law, in relation to enacting the fair wage act, raising the minimum wage and allowing localities to raise minimum wages by up to an additional thirty percent

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 "fair wage act".

S 2. Paragraph f of subdivision 1 of section 11 of the municipal home rule law, as amended by chapter 21 of the laws of 1992, is amended to read as follows:

f. Applies to or affects any provision of paragraph (c) of subdivision one of section 8-100 of the election law, the labor law, EXCEPT AS PROVIDED IN SUBDIVISION TWO OF SECTION SIX HUNDRED FIFTY-FOUR OF THE LABOR LAW, sections two, three and four of chapter one thousand eleven of the laws of nineteen hundred sixty-eight, entitled "An act in relation to the maximum hours of labor of certain municipal and fire district firemen and the holidays of firemen and policemen, repealing certain sections of the labor law relating thereto, and to amend the municipal home rule law, in relation thereto," as amended, the volunteer [firemen's] FIREFIGHTERS' benefit law, or the [workmen's] WORKERS' compensation law or changes any provision of the multiple residence law or the multiple dwelling law, except that in a city of one million persons or more, the provisions of local law for the enforcement of the housing code which is not less restrictive than the multiple dwelling law may be applied in the enforcement of the multiple dwelling law.

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

LBD08826-03-6

S 3. Subdivision 1 of section 652 of the labor law, as amended by section 1 of part P of chapter 57 of the laws of 2013, is amended to read as follows:

1. Statutory. Every employer shall pay to each of its employees for each hour worked a wage of not less than THE WAGE AS MAY BE ESTABLISHED BY FEDERAL LAW PURSUANT TO 29 U.S.C. SECTION 206 OR ITS SUCCESSORS; OR SUCH OTHER WAGE AS MAY BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE; OR:

$4.25 on and after April 1, 1991,
$5.15 on and after March 31, 2000,
$6.00 on and after January 1, 2005,
$6.75 on and after January 1, 2006,
$7.15 on and after January 1, 2007,
$8.00 on and after December 31, 2013,
[$8.75 on and after December 31,] $9.00 ON AND AFTER SEPTEMBER 1, 2014,
[$9.00 on and after December 31, 2015, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors
or such other wage as may be established in accordance with the provisions of this article] $10.10 ON AND AFTER JULY 1, 2017, WHICHEVER IS GREATER.

ON AND AFTER JULY 1, 2018 AND ON EACH FOLLOWING JULY FIRST, THE COMMISSIONER SHALL CALCULATE AND ESTABLISH AN ADJUSTED MINIMUM WAGE RATE BY INCREASING THE THEN CURRENT MINIMUM WAGE RATE BY THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD AVAILABLE PRIOR TO EACH JULY FIRST USING THE CONSUMER PRICE INDEX-ALL URBAN CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCULATED BY THE UNITED STATES DEPARTMENT OF LABOR, IF SUCH RATE OF INFLATION IS GREATER THAN ZERO PERCENT.

S 4. Section 654 of the labor law, as added by chapter 619 of the laws of 1960, is amended to read as follows:

S 654. Basis of changes in minimum wage. 1. In establishing minimum wages and regulations for any occupation or occupations pursuant to the provisions of the following sections of this article, the wage board and the commissioner shall consider the amount sufficient to provide adequate maintenance and to protect health and, in addition, the wage board and the commissioner shall consider the value of the work or classification of work performed, and the wages paid in the state for work of like or comparable character.

2. COUNTIES, CITIES, TOWNS, VILLAGES AND PUBLIC BENEFIT CORPORATIONS ARE AUTHORIZED TO ADOPT MINIMUM STANDARDS RELATING TO WAGES, HOURS, OR OTHER WORKING CONDITIONS, OR MECHANISMS FOR THE ENFORCEMENT THEREOF, THAT ARE AT LEAST AS FAVORABLE TO EMPLOYEES AS THE MINIMUM STANDARDS APPLICABLE UNDER THIS ARTICLE, PROVIDED THAT ANY MINIMUM WAGE ENACTED PURSUANT TO THIS AUTHORITY FOR ANY CLASSIFICATION OF EMPLOYEES SHALL NOT BE MORE THAN THIRTY PERCENT HIGHER THAN THE MINIMUM WAGE ESTABLISHED PURSUANT TO THIS ARTICLE AND ARTICLE NINETEEN-A OF THIS CHAPTER. ANY SUCH STANDARDS MAY ALSO BE ENFORCED BY THE COMMISSIONER USING ANY AND ALL ENFORCEMENT METHODS PERMITTED BY THIS CHAPTER FOR ENFORCEMENT OF WAGE STANDARDS AND PAYMENT.

S 5. Subdivision 1 of section 662 of the labor law, as amended by chapter 564 of the laws of 2010, is amended to read as follows:

1. Failure to pay minimum wage or overtime compensation. Any employer or his or her agent, or the officer or agent of any corporation, partnership, or limited liability company, who pays or agrees to pay to any employee less than the wage applicable under this article, INCLUDING ANY

MINIMUM WAGE ESTABLISHED BY A COUNTY, CITY, TOWN, VILLAGE, OR PUBLIC BENEFIT CORPORATION, shall be guilty of a misdemeanor and upon conviction therefor shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year, and, in the event that any second or subsequent offense occurs within six years of the date of conviction for a prior offense, shall be guilty of a felony for the second or subsequent offense, and upon conviction therefor, shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year plus one day, or punished by both such fine and imprisonment, for each such offense. Each payment to any employee in any week of less than the wage applicable under this article shall constitute a separate offense.

S 6. This act shall take effect immediately.