

4160

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

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

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

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

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

5 ARTICLE 19-D

6 MAKE A LIVING WAGE CERTIFICATION PROGRAM

7 SECTION 696. MAKE A LIVING WAGE CERTIFICATION BOARD.

8 696-A. COUNTY LIVING WAGE STANDARD.

9 696-B. CERTIFICATION OF BUSINESSES.

10 696-C. APPLICATION PROCEDURES AND FEE.

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

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

24 1. SUCH LIVING WAGE STANDARD FOR EACH COUNTY IN THE STATE, EXCEPT
25 THOSE COUNTIES SET OUT IN SUBDIVISION TWO OF THIS SECTION SHALL BE

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

LBD08749-05-5

1 CALCULATED BY AVERAGING THE FAIR MARKET RENT PRICE FOR A ONE-BEDROOM
2 UNIT, AS DETERMINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
3 OVER THE PREVIOUS FOUR YEARS AND THEN DIVIDING SUCH FIGURE BY THIRTY
4 PERCENT AND THEN MULTIPLYING SUCH FIGURE BY TWELVE AND THEN DIVIDING
5 SUCH FIGURE BY TWO THOUSAND EIGHTY.

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

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

19 S 696-B. CERTIFICATION OF BUSINESSES. 1. A BUSINESS IN A COUNTY THAT
20 ELECTS TO PAY THE LIVING WAGE STANDARD ESTABLISHED PURSUANT TO SECTION
21 SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE SHALL BE CERTIFIED AS A "MAKE A
22 LIVING NEW YORK BUSINESS" IF SUCH BUSINESS PAYS ALL EMPLOYEES, AS
23 DEFINED IN SECTION SIX HUNDRED FIFTY-ONE OF THIS CHAPTER, AN HOURLY WAGE
24 GREATER THAN OR EQUAL TO SUCH LIVING WAGE STANDARD IN THE COUNTY IN
25 WHICH THE PLACE OF EMPLOYMENT OF SUCH EMPLOYEES IS LOCATED, PROVIDED,
26 HOWEVER, THAT FOR THE PURPOSES OF THIS ARTICLE, EXCEPTIONS TO THE DEFINI-
27 TION OF AN EMPLOYEE SHALL INCLUDE MINORS, INTERNS, INDIVIDUALS
28 EMPLOYED ON A TEMPORARY BASIS OR INDIVIDUALS EMPLOYED DURING A PROBA-
29 TIONARY PERIOD OF NO MORE THAN NINETY DAYS.

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

38 2. A BUSINESS SHALL SPECIFY THE TOTAL NUMBER OF INDIVIDUALS IT EMPLOYS
39 AND THE NUMBER OF SUCH EMPLOYED INDIVIDUALS WHO DO NOT MEET THE DEFINI-
40 TION OF AN EMPLOYEE AS USED IN THIS ARTICLE. IF SUCH LATTER EMPLOYED
41 INDIVIDUALS CONSTITUTE A MAJORITY OF A BUSINESS'S WORKFORCE, SUCH BUSI-
42 NESS SHALL BE INELIGIBLE FOR CERTIFICATION UNDER THIS ARTICLE.

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

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

52 S 696-C. APPLICATION PROCEDURES AND FEE. 1. THE COMMISSIONER SHALL
53 ESTABLISH A WEB PAGE THROUGH WHICH A BUSINESS SHALL APPLY FOR CERTIFI-
54 CATION PURSUANT TO SECTION SIX HUNDRED NINETY-SIX-B OF THIS ARTICLE. ON
55 A SEPARATE WEB PAGE THE COMMISSIONER SHALL LIST, BY COUNTY, ALL BUSI-
56 NESSES CERTIFIED PURSUANT TO THIS ARTICLE.

1 2. THE FEE FOR AN APPLICATION FOR CERTIFICATION SHALL BE AS FOLLOWS:
2 (A) FOR NON-PROFITMAKING INSTITUTIONS, AS DEFINED IN SECTION SIX
3 HUNDRED FIFTY-ONE OF THIS CHAPTER: ZERO DOLLARS;
4 (B) FOR EMPLOYERS EMPLOYING TEN OR FEWER EMPLOYEES: FIFTY DOLLARS;
5 (C) FOR EMPLOYERS EMPLOYING ELEVEN TO TWENTY-FIVE EMPLOYEES: ONE
6 HUNDRED DOLLARS;
7 (D) FOR EMPLOYERS EMPLOYING TWENTY-SIX TO FORTY-NINE EMPLOYEES: TWO
8 HUNDRED DOLLARS; AND
9 (E) FOR EMPLOYERS EMPLOYING FIFTY OR MORE EMPLOYEES: TWO HUNDRED FIFTY
10 DOLLARS.
11 3. A BUSINESS SHALL APPLY FOR RECERTIFICATION FOR THE SAME FEE EVERY
12 YEAR A COUNTY LIVING WAGE STANDARD CHANGES FROM THE PREVIOUS YEAR.
13 S 3. This act shall take effect on the first of January next succeed-
14 ing the date on which it shall have become a law.