

5602

2015-2016 Regular Sessions

I N   S E N A T E

May 18, 2015

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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 the minimum wage

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

1     Section 1. Paragraph (n) of subdivision 5 of section 651 of the labor  
2 law, as amended by chapter 481 of the laws of 2010, is amended to read  
3 as follows:  
4     (n) by [a] THE federal[, state or municipal] government or political  
5 subdivision thereof. The exclusions from the term "employee" contained  
6 in this subdivision shall be as defined by regulations of the commis-  
7 sioner; or  
8     S 2. Subdivision 6 of section 651 of the labor law, as amended by  
9 chapter 281 of the laws of 2002, is amended to read as follows:  
10     6. "Employer" includes any individual, partnership, association,  
11 corporation, limited liability company, business trust, legal represen-  
12 tative, STATE OR MUNICIPAL GOVERNMENT OR POLITICAL SUBDIVISION THEREOF,  
13 or any organized group of persons acting as employer.  
14     S 3. Subdivisions 1, 4 and 5 of section 652 of the labor law, subdivi-  
15 sion 1 as amended by section 1 of part P of chapter 57 of the laws of  
16 2013 and subdivisions 4 and 5 as amended by chapter 747 of the laws of  
17 2004, are amended to read as follows:  
18     1. Statutory. Every employer shall pay to each of its employees for  
19 each hour worked a wage of not less than:  
20     \$4.25 on and after April 1, 1991,  
21     \$5.15 on and after March 31, 2000,  
22     \$6.00 on and after January 1, 2005,  
23     \$6.75 on and after January 1, 2006,  
24     \$7.15 on and after January 1, 2007,  
25     \$8.00 on and after December 31, 2013,  
26     \$8.75 on and after December 31, 2014,

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

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1 \$9.00 on and after December 31, 2015,  
2 \$12.50 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN  
3 COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL  
4 WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN  
5 SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND  
6 \$10.50 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2016,  
7 \$13.75 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN  
8 COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL  
9 WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN  
10 SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND  
11 \$11.55 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2017,  
12 \$15.00 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN  
13 COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL  
14 WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN  
15 SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND  
16 \$12.60 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2018, AND  
17 ON AND AFTER DECEMBER 31, 2019 AND ON EACH FOLLOWING DECEMBER  
18 THIRTY-FIRST, THE COMMISSIONER SHALL CALCULATE AND ESTABLISH AN ADJUSTED  
19 MINIMUM WAGE RATE BY INCREASING THE THEN CURRENT MINIMUM WAGE RATE BY  
20 THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD AVAILABLE  
21 PRIOR TO EACH DECEMBER THIRTY-FIRST USING THE CONSUMER PRICE INDEX-ALL  
22 URBAN CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCULATED BY THE UNITED  
23 STATES DEPARTMENT OF LABOR, IF SUCH RATE OF INFLATION IS GREATER THAN  
24 ZERO PERCENT, or, if greater, such other wage as may be established by  
25 federal law pursuant to 29 U.S.C. section 206 or its successors  
26 or such other wage as may be established in accordance with the  
27 provisions of this article.

28 4. Notwithstanding subdivisions one and two of this section, the wage  
29 for an employee who is a food service worker receiving tips shall be a  
30 cash wage of at least three dollars and thirty cents per hour on or  
31 after March thirty-first, two thousand; three dollars and eighty-five  
32 cents on or after January first, two thousand five; at least four  
33 dollars and thirty-five cents on or after January first, two thousand  
34 six; [and] at least four dollars and sixty cents on or after January  
35 first, two thousand seven[,] AND AT LEAST \$10.40 IN A CITY WITH A POPU-  
36 LATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF  
37 NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER  
38 TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO  
39 OF THE PUBLIC AUTHORITIES LAW, AND \$8.75 IN THE REMAINDER OF THE STATE  
40 ON AND AFTER DECEMBER 31, 2016; AND AT LEAST \$11.45 IN A CITY WITH A  
41 POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF  
42 NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER  
43 TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO  
44 OF THE PUBLIC AUTHORITIES LAW, AND \$9.65 IN THE REMAINDER OF THE STATE  
45 ON AND AFTER DECEMBER 31, 2017; AND \$12.50 IN A CITY WITH A POPULATION  
46 IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE  
47 HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER  
48 TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO  
49 OF THE PUBLIC AUTHORITIES LAW, AND \$10.50 IN THE REMAINDER OF THE STATE  
50 ON AND AFTER DECEMBER 31, 2018 AND ON EACH FOLLOWING DECEMBER  
51 THIRTY-FIRST, THE COMMISSIONER SHALL CALCULATE AND ESTABLISH AN ADJUSTED  
52 CASH WAGE RATE BY INCREASING THE THEN CURRENT CASH WAGE RATE BY THE RATE  
53 OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD AVAILABLE PRIOR TO  
54 EACH DECEMBER THIRTY-FIRST USING THE CONSUMER PRICE INDEX-ALL URBAN  
55 CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCULATED BY THE UNITED  
56 STATES DEPARTMENT OF LABOR, IF SUCH RATE OF INFLATION IS GREATER THAN

1 ZERO PERCENT provided that the tips of such an employee, when added to  
2 such cash wage, are equal to or exceed the minimum wage in effect pursu-  
3 ant to subdivision one of this section and provided further that no  
4 other cash wage is established pursuant to section six hundred fifty-  
5 three of this article. In the event the cash wage payable under the Fair  
6 Labor Standards Act (29 United States Code Sec. 203 (m), as amended), is  
7 increased after enactment of this subdivision, the cash wage payable  
8 under this subdivision shall automatically be increased by the propor-  
9 tionate increase in the cash wage payable under such federal law, and  
10 will be immediately enforceable as the cash wage payable to food service  
11 workers under this article.

12 5. Notwithstanding subdivisions one and two of this section, meal and  
13 lodging allowances for a food service worker receiving a cash wage  
14 amounting to three dollars and thirty cents per hour on or after March  
15 thirty-first, two thousand; three dollars and eighty-five cents on or  
16 after January first, two thousand five; four dollars and thirty-five  
17 cents on or after January first, two thousand six; [and] four dollars  
18 and sixty cents on or after January first, two thousand seven[,]; AND AT  
19 LEAST \$10.40 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN  
20 COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL  
21 WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN  
22 SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND  
23 \$8.75 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2016; AND  
24 AT LEAST \$11.45 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND  
25 IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL  
26 WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN  
27 SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND  
28 \$9.65 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2017; AND  
29 \$12.50 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUN-  
30 TIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN  
31 THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION  
32 TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND \$10.50 IN  
33 THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2018 AND ON EACH  
34 FOLLOWING DECEMBER THIRTY-FIRST, THE COMMISSIONER SHALL CALCULATE AND  
35 ESTABLISH AN ADJUSTED CASH WAGE RATE BY INCREASING THE THEN CURRENT CASH  
36 WAGE RATE BY THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH  
37 PERIOD AVAILABLE PRIOR TO EACH DECEMBER THIRTY-FIRST USING THE CONSUMER  
38 PRICE INDEX-ALL URBAN CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCU-  
39 LATED BY THE UNITED STATES DEPARTMENT OF LABOR, IF SUCH RATE OF  
40 INFLATION IS GREATER THAN ZERO PERCENT shall not increase more than  
41 two-thirds of the increase required by subdivision two of this section  
42 as applied to state wage orders in effect pursuant to subdivision one of  
43 this section.

44 S 4. This act shall take effect immediately.