

5602--A

2015-2016 Regular Sessions

I N S E N A T E

May 18, 2015

Introduced by Sens. PANEPINTO, HAMILTON, KRUEGER, PARKER, PERKINS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor 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 labor law, the education law and the general municipal law, in relation to the minimum wage; and to amend part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund medicaid expenditures, in relation to medicaid disbursements

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. Subdivision 1 of section 652 of the labor law, as amended by
15 section 1 of part P of chapter 57 of the laws of 2013 is amended to read
16 as follows:
17 1. Statutory. (A) Every employer shall pay to each of its employees
18 for each hour worked a wage of not less than:

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

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1 \$4.25 on and after April 1, 1991,
2 \$5.15 on and after March 31, 2000,
3 \$6.00 on and after January 1, 2005,
4 \$6.75 on and after January 1, 2006,
5 \$7.15 on and after January 1, 2007,
6 \$8.00 on and after December 31, 2013,
7 \$8.75 on and after December 31, 2014,
8 \$9.00 on and after December 31, 2015, or, if greater, such other wage
9 as may be established by federal law pursuant to 29 U.S.C. section 206
10 or its successors
11 or such other wage as may be established in accordance with the
12 provisions of this article.

13 (B) EMPLOYERS IN ALL AREAS OF THE STATE NOT COVERED BY PARAGRAPH (C)
14 OF THIS SUBDIVISION SHALL PAY TO EACH OF ITS EMPLOYEES FOR EACH HOUR
15 WORKED A WAGE OF NOT LESS THAN:

16 \$9.75 ON AND AFTER JULY 1, 2016,
17 \$10.75 ON AND AFTER DECEMBER 31, 2016,
18 \$11.75 ON AND AFTER DECEMBER 31, 2017,
19 \$12.75 ON AND AFTER DECEMBER 31, 2018,
20 \$13.75 ON AND AFTER DECEMBER 31, 2019,
21 \$14.50 ON AND AFTER DECEMBER 31, 2020, AND
22 \$15.00, AND ON AND AFTER DECEMBER 31, 2021 AND ON EACH FOLLOWING
23 DECEMBER THIRTY-FIRST, THE COMMISSIONER SHALL CALCULATE AND ESTABLISH AN
24 ADJUSTED MINIMUM WAGE RATE BY INCREASING THE THEN CURRENT MINIMUM WAGE
25 RATE BY THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD
26 AVAILABLE PRIOR TO EACH DECEMBER THIRTY-FIRST USING THE CONSUMER PRICE
27 INDEX-ALL URBAN CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCULATED BY
28 THE UNITED STATES DEPARTMENT OF LABOR, IF SUCH RATE OF INFLATION IS
29 GREATER THAN ZERO PERCENT, OR, IF GREATER, SUCH OTHER WAGE AS MAY BE
30 ESTABLISHED BY FEDERAL LAW PURSUANT TO 29 U.S.C. SECTION 206 OR ITS
31 SUCCESSORS OR SUCH OTHER WAGE AS MAY BE ESTABLISHED IN ACCORDANCE WITH
32 THE PROVISIONS OF THIS ARTICLE.

33 (C) EMPLOYERS IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND
34 IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL
35 WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN
36 SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, SHALL
37 PAY TO EACH OF ITS EMPLOYEES FOR EACH HOUR WORKED A WAGE OF NOT LESS
38 THAN:

39 \$10.50 ON AND AFTER JULY 1, 2016,
40 \$12.00 ON AND AFTER DECEMBER 31, 2016,
41 \$13.50 ON AND AFTER DECEMBER 31, 2017, AND
42 \$15.00 ON AND AFTER DECEMBER 31, 2018 AND ON EACH FOLLOWING DECEMBER
43 THIRTY-FIRST, THE COMMISSIONER SHALL CALCULATE AND ESTABLISH AN ADJUSTED
44 MINIMUM WAGE RATE BY INCREASING THE THEN CURRENT MINIMUM WAGE RATE BY
45 THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD AVAILABLE
46 PRIOR TO EACH DECEMBER THIRTY-FIRST USING THE CONSUMER PRICE INDEX-ALL
47 URBAN CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCULATED BY THE UNITED
48 STATES DEPARTMENT OF LABOR, IF SUCH RATE OF INFLATION IS GREATER THAN
49 ZERO PERCENT, OR, IF GREATER, SUCH OTHER WAGE AS MAY BE ESTABLISHED BY
50 FEDERAL LAW PURSUANT TO 29 U.S.C. SECTION 206 OR ITS SUCCESSORS OR SUCH
51 OTHER WAGE AS MAY BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF
52 THIS ARTICLE.

53 (D) THE RATES AND SCHEDULE ESTABLISHED IN SUBDIVISION (C) OF THIS
54 SECTION SHALL NOT BE DEEMED TO BE THE MINIMUM WAGE FOR PURPOSES OF THE
55 CALCULATIONS SPECIFIED IN SUBDIVISIONS ONE AND TWO OF SECTION FIVE
56 HUNDRED TWENTY-SEVEN OF THIS CHAPTER.

1 S 4. Paragraph a of subdivision 3 of section 2023-a of the education
2 law is amended by adding a new subparagraph 3-a to read as follows:

3 (3-A) ADD ANY INCREASE ATTRIBUTABLE TO INCREASES IN MINIMUM WAGE
4 PURSUANT TO SECTION SIX HUNDRED FIFTY-TWO OF THE LABOR LAW.

5 S 5. Paragraph (c) of subdivision 3 of section 3-c of the general
6 municipal law, as added by section 1 of part A of chapter 97 of the laws
7 of 2011, is amended to read as follows:

8 (c) Each local government shall calculate the tax levy limit applica-
9 ble to the coming fiscal year which shall be determined as follows:

10 (i) Ascertain the total amount of taxes levied for the prior fiscal
11 year.

12 (ii) Multiply the result by the tax base growth factor, calculated
13 pursuant to paragraph (b) of this subdivision, if any.

14 (iii) Add any payments in lieu of taxes that were receivable in the
15 prior fiscal year.

16 (iv) ADD ANY INCREASES ATTRIBUTABLE TO INCREASES IN MINIMUM WAGE
17 PURSUANT TO SECTION SIX HUNDRED FIFTY-TWO OF THE LABOR LAW.

18 (V) Subtract the tax levy necessary to support expenditures pursuant
19 to subparagraph (i) of paragraph (g) of subdivision two of this section
20 for the prior fiscal year, if any.

21 [(v)] (VI) Multiply the result by the allowable levy growth factor.

22 [(vi)] (VII) Subtract any payments in lieu of taxes receivable in the
23 coming fiscal year.

24 [(vii)] (VIII) Add the available carryover, if any.

25 S 6. Subdivision 1 of section 92 of part H of chapter 59 of the laws
26 of 2011, amending the public health law and other laws relating to known
27 and projected department of health state fund medicaid expenditures, as
28 amended by section 8 of part B of chapter 57 of the laws of 2015, is
29 amended to read as follows:

30 1. For state fiscal years 2011-12 through 2016-17, the director of the
31 budget, in consultation with the commissioner of health referenced as
32 "commissioner" for purposes of this section, shall assess on a monthly
33 basis, as reflected in monthly reports pursuant to subdivision five of
34 this section known and projected department of health state funds medi-
35 caid expenditures by category of service and by geographic regions, as
36 defined by the commissioner, and if the director of the budget deter-
37 mines that such expenditures are expected to cause medicaid disburse-
38 ments for such period to exceed the projected department of health medi-
39 caid state funds disbursements in the enacted budget financial plan
40 pursuant to subdivision 3 of section 23 of the state finance law, the
41 commissioner of health, in consultation with the director of the budget,
42 shall develop a medicaid savings allocation plan to limit such spending
43 to the aggregate limit level specified in the enacted budget financial
44 plan, provided, however, such projections may be adjusted by the direc-
45 tor of the budget to account for any changes in the New York state
46 federal medical assistance percentage amount established pursuant to the
47 federal social security act, changes in provider revenues, reductions to
48 local social services district medical assistance administration, and
49 beginning April 1, 2012 the operational costs of the New York state
50 medical indemnity fund and state costs or savings from the basic health
51 plan. Such projections may be adjusted by the director of the budget to
52 account for increased or expedited department of health state funds
53 medicaid expenditures as a result of a natural or other type of disas-
54 ter, including a governmental declaration of emergency. FOR PURPOSES OF
55 THIS SECTION, FOR PERIODS ON AND AFTER JULY 1, 2016, MEDICAID DISBURSE-
56 MENTS SHALL NOT INCLUDE ANY ADDITIONAL EXPENDITURES RELATED TO INCREASES

1 IN THE MINIMUM WAGE ESTABLISHED PURSUANT TO SECTION 652 OF THE LABOR
2 LAW.

3 S 7. Severability clause. If an amendment made by section four or
4 section five of this act or their application to any person, legal enti-
5 ty, or circumstance is held invalid by a court of competent jurisdic-
6 tion, the remainder of this act or the application of such amendment to
7 other persons, legal entities or circumstances shall not be effected.

8 S 8. This act shall take effect immediately; provided, however, that
9 sections four and five of this act shall first apply to school district
10 budgets and the budget adoption process for the 2016 - 2017 school year;
11 provided, further, that section five of this act shall first apply to
12 the levy of taxes by local governments for the fiscal year that begins
13 in 2017; provided, further, that the amendments to paragraph a of subdi-
14 vision 3 of section 2023-a of the education law made by section four of
15 this act shall not affect the repeal of such section and shall be deemed
16 repealed therewith; provided, further, that the amendments to paragraph
17 (c) of subdivision 3 of section 3-c of the general municipal law made by
18 section five of this act shall not affect the repeal of such section and
19 shall be deemed repealed therewith.