

5838

2015-2016 Regular Sessions

I N S E N A T E

June 5, 2015

Introduced by Sens. ORTT, MARTINS -- 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 raising the minimum wage

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

1 Section 1. Section 650 of the labor law, as amended by chapter 439 of
2 the laws of 1962, is amended to read as follows:
3 S 650. Statement of public policy. There are persons employed in some
4 occupations in the state of New York at wages insufficient to provide
5 adequate maintenance for themselves and their families. Such employment
6 impairs the health, efficiency, and well-being of the persons so
7 employed, constitutes unfair competition against other employers and
8 their employees, threatens the stability of industry, reduces the
9 purchasing power of employees, and requires, in many instances, that
10 wages be supplemented by the payment of public moneys for relief or
11 other public and private assistance. Employment of persons at these
12 insufficient rates of pay threatens the health and well-being of the
13 people of this state and injures the overall economy. Accordingly, it
14 is the declared policy of the state of New York that such conditions be
15 eliminated as rapidly as practicable without substantially curtailing
16 opportunities for employment or earning power. To this end minimum wage
17 standards shall be established and maintained. IT IS FURTHER THE
18 DECLARED POLICY OF THIS STATE THAT ANY REVISION OF THE MINIMUM WAGE FOR
19 CERTAIN INDUSTRIES AND OCCUPATIONS SHALL RESULT IN AN ADJUSTMENT TO
20 REIMBURSEMENT TO STATE-FUNDED HUMAN SERVICES PROVIDERS OR ENTITIES UNDER
21 CONTRACT WITH THIS STATE, OR OTHERWISE PROVIDING SERVICES OR GOODS UNDER
22 AN AGREEMENT WITH THIS STATE, TO REFLECT THE IMPACT OF THE MINIMUM WAGE
23 INCREASE ON THE RECRUITMENT AND RETENTION OF DIRECT SERVICE PROFES-
24 SIONALS AND DIRECT CARE EMPLOYEES AND TO ADDRESS ANY COMPRESSION IN
25 WAGES AND SALARIES THAT MAY ALSO RESULT FROM THE MINIMUM WAGE REVISION.

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

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1 S 2. Section 656 of the labor law, as added by chapter 619 of the laws
2 of 1960, is amended to read as follows:

3 S 656. Action by commissioner upon wage board report. When the wage
4 board submits its report and recommendations to the commissioner, the
5 commissioner shall forthwith file them with the secretary of the depart-
6 ment. Within five days of their receipt, the commissioner shall publish
7 a notice of such filing in at least ten newspapers of general circu-
8 lation in the state. Any objections to the report and recommendations
9 shall be filed with the commissioner within fifteen days after such
10 publication. The commissioner may, if he deems it appropriate, order
11 oral argument, which shall be scheduled before the commissioner, or such
12 representative as he may designate, on five days' notice to the persons
13 who have filed objections to the report and recommendations. Whether or
14 not oral argument is scheduled, the commissioner shall by order accept
15 or reject the board's report and recommendations within forty-five days
16 after filing with the secretary of the department. The commissioner may
17 by such order modify the regulations recommended by the board. IN THE
18 EVENT THAT THE COMMISSIONER ORDERS AN INCREASE IN THE MINIMUM WAGE FOR
19 CERTAIN INDUSTRIES AND OCCUPATIONS THAT MAY AFFECT THE CONTINUED ABILITY
20 OF STATE-FUNDED HUMAN SERVICES PROVIDERS UNDER CONTRACT WITH THIS STATE,
21 OR OTHERWISE PROVIDING SERVICES OR GOODS UNDER AN AGREEMENT WITH THIS
22 STATE, TO RECRUIT AND RETAIN DIRECT SERVICE PROFESSIONALS AND DIRECT
23 CARE EMPLOYEES, HE SHALL ALSO RECOMMEND ANY NECESSARY ADJUSTMENTS TO THE
24 REIMBURSEMENT TO SUCH PROVIDERS TO REFLECT THE IMPACT OF THE MINIMUM
25 WAGE INCREASE ON THOSE PROFESSIONALS AND EMPLOYEES AND TO ADDRESS ANY
26 COMPRESSION IN WAGES AND SALARIES THAT MAY ALSO RESULT FROM THE MINIMUM
27 WAGE REVISION. Such order of the commissioner shall become effective
28 thirty days after publication, in the manner prescribed in this section,
29 of a notice of such order. The commissioner may, within such forty-five
30 days, confer with the wage board, which may make such changes in its
31 report or recommendations as it may deem fit. The commissioner also
32 may, within such forty-five days, remand the matter to the board for
33 such further proceeding as he may direct.

34 S 3. This act shall take effect immediately.