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

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:

Section 1. Section 650 of the labor law, as amended by chapter 439 of the laws of 1962, is amended to read as follows:

S 650. Statement of public policy. There are persons employed in some occupations in the state of New York at wages insufficient to provide adequate maintenance for themselves and their families. Such employment impairs the health, efficiency, and well-being of the persons so employed, constitutes unfair competition against other employers and their employees, threatens the stability of industry, reduces the purchasing power of employees, and requires, in many instances, that wages be supplemented by the payment of public moneys for relief or other public and private assistance. Employment of persons at these insufficient rates of pay threatens the health and well-being of the people of this state and injures the overall economy. Accordingly, it is the declared policy of the state of New York that such conditions be eliminated as rapidly as practicable without substantially curtailing opportunities for employment or earning power. To this end minimum wage standards shall be established and maintained. IT IS FURTHER THE DECLARED POLICY OF THIS STATE THAT ANY REVISION OF THE MINIMUM WAGE FOR CERTAIN INDUSTRIES AND OCCUPATIONS SHALL RESULT IN AN ADJUSTMENT TO REIMBURSEMENT TO STATE-FUNDED HUMAN SERVICES PROVIDERS OR ENTITIES UNDER CONTRACT WITH THIS STATE, OR OTHERWISE PROVIDING SERVICES OR GOODS UNDER AN AGREEMENT WITH THIS STATE, TO REFLECT THE IMPACT OF THE MINIMUM WAGE INCREASE ON THE RECRUITMENT AND RETENTION OF DIRECT SERVICE PROFESSIONALS AND DIRECT CARE EMPLOYEES AND TO ADDRESS ANY COMPRESSION IN 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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S 2. Section 656 of the labor law, as added by chapter 619 of the laws of 1960, is amended to read as follows:

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

S 3. This act shall take effect immediately.