

STATE OF NEW YORK

4106

2017-2018 Regular Sessions

IN SENATE

February 3, 2017

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the municipal home rule law and the labor law, in relation to enacting the fair wage act, allowing localities to raise minimum wages by up to an additional thirty percent

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 and may be cited as the "fair wage
2 act".

3 § 2. Paragraph f of subdivision 1 of section 11 of the municipal home
4 rule law, as amended by chapter 21 of the laws of 1992, is amended to
5 read as follows:

6 f. Applies to or affects any provision of paragraph (c) of subdivision
7 one of section 8-100 of the election law, the labor law, except as
8 provided in subdivision two of section six hundred fifty-four of the
9 labor law, sections two, three and four of chapter one thousand eleven
10 of the laws of nineteen hundred sixty-eight, entitled "An act in
11 relation to the maximum hours of labor of certain municipal and fire
12 district firemen and the holidays of firemen and policemen, repealing
13 certain sections of the labor law relating thereto, and to amend the
14 municipal home rule law, in relation thereto," as amended, the volunteer
15 [~~firemen's~~] firefighters' benefit law, or the [~~workmen's~~] workers'
16 compensation law or changes any provision of the multiple residence law
17 or the multiple dwelling law, except that in a city of one million
18 persons or more, the provisions of local law for the enforcement of the
19 housing code which is not less restrictive than the multiple dwelling
20 law may be applied in the enforcement of the multiple dwelling law.

21 § 3. Section 654 of the labor law, as added by chapter 619 of the laws
22 of 1960, is amended to read as follows:

23 § 654. Basis of changes in minimum wage. 1. In establishing minimum
24 wages and regulations for any occupation or occupations pursuant to the

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

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1 provisions of the following sections of this article, the wage board and
2 the commissioner shall consider the amount sufficient to provide
3 adequate maintenance and to protect health and, in addition, the wage
4 board and the commissioner shall consider the value of the work or clas-
5 sification of work performed, and the wages paid in the state for work
6 of like or comparable character.

7 2. Counties, cities, towns, villages and public benefit corporations
8 are authorized to adopt minimum standards relating to wages, hours, or
9 other working conditions, or mechanisms for the enforcement thereof,
10 that are at least as favorable to employees as the minimum standards
11 applicable under this article, provided that any minimum wage enacted
12 pursuant to this authority for any classification of employees shall not
13 be more than thirty percent higher than the minimum wage established
14 pursuant to this article and article nineteen-A of this chapter. Any
15 such standards may also be enforced by the commissioner using any and
16 all enforcement methods permitted by this chapter for enforcement of
17 wage standards and payment.

18 § 4. Subdivision 1 of section 662 of the labor law, as amended by
19 chapter 564 of the laws of 2010, is amended to read as follows:

20 1. Failure to pay minimum wage or overtime compensation. Any employer
21 or his or her agent, or the officer or agent of any corporation, part-
22 nership, or limited liability company, who pays or agrees to pay to any
23 employee less than the wage applicable under this article, including any
24 minimum wage established by a county, city, town, village, or public
25 benefit corporation, shall be guilty of a misdemeanor and upon
26 conviction therefor shall be fined not less than five hundred nor more
27 than twenty thousand dollars or imprisoned for not more than one year,
28 and, in the event that any second or subsequent offense occurs within
29 six years of the date of conviction for a prior offense, shall be guilty
30 of a felony for the second or subsequent offense, and upon conviction
31 therefor, shall be fined not less than five hundred nor more than twenty
32 thousand dollars or imprisoned for not more than one year plus one day,
33 or punished by both such fine and imprisonment, for each such offense.
34 Each payment to any employee in any week of less than the wage applica-
35 ble under this article shall constitute a separate offense.

36 § 5. This act shall take effect immediately.