

STATE OF NEW YORK

5086

2017-2018 Regular Sessions

IN SENATE

March 7, 2017

Introduced by Sen. DeFRANCISCO -- 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 requiring an expert analysis and public hearings before wage orders shall take effect

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 652 of the labor law, as amended
2 by chapter 38 of the laws of 1990, is amended to read as follows:

3 2. Existing wage orders. (a) The minimum wage orders in effect on the
4 effective date of this act shall remain in full force and effect, except
5 as modified in accordance with the provisions of this article.

6 (b) Such minimum wage orders shall be modified by the commissioner to
7 increase all monetary amounts specified therein in the same proportion
8 as the increase in the hourly minimum wage as provided in subdivision
9 one of this section, including the amounts specified in such minimum
10 wage orders as allowances for gratuities, and when furnished by the
11 employer to its employees, for meals, lodging, apparel and other such
12 items, services and facilities. All amounts so modified shall be rounded
13 off to the nearest five cents. The modified orders shall be promulgated
14 by the commissioner without a public hearing, and without reference to a
15 wage board, and shall become effective on the effective date of such
16 increases in the minimum wage except as otherwise provided in this
17 subdivision, notwithstanding any other provision of this article.

18 (c) Notwithstanding any provision of law to the contrary and except
19 as provided for in section three of the chapter of laws of two thousand
20 seventeen that added this paragraph, any minimum wage order adopted on
21 or after the effective date of the chapter of laws of two thousand
22 seventeen that added this paragraph, including any wage order establish-
23 ing or modifying overtime thresholds for employees paid a salary for
24 services, shall only be adopted if the commissioner conducts an analysis
25 of the effect of the increase in such order including, but not limited

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

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1 to, the impact upon employers, employees and the economy of the state
2 and the affected regions within the state and following at least two
3 public hearings, with at least one such hearing being held outside of
4 New York city. In conducting the analysis, the commissioner shall
5 consult with the department's division of research and statistics, the
6 United States department of labor, the federal reserve bank of New York
7 and other economic experts. The commissioner shall reference well-es-
8 tablished economic indexes and accepted economic factors in determining
9 whether a modification to the minimum wage order is justified and the
10 extent of any such modification. Any analysis shall be separate and
11 distinct from an investigation by the commissioner and a report and
12 recommendation by a wage board related to an increase in the minimum
13 wage, as provided for in this article.

14 § 2. Subdivision 5 of section 652 of the labor law, as amended by
15 section 2 of part K of chapter 54 of the laws of 2016, is amended to
16 read as follows:

17 5. Notwithstanding subdivisions one and two of this section, meal and
18 lodging allowances for a food service worker receiving a cash wage
19 pursuant to subdivision four of this section shall not increase more
20 than two-thirds of the increase [~~required~~] authorized by subdivision two
21 of this section as applied to state wage orders in effect pursuant to
22 subdivision one of this section.

23 § 3. Notwithstanding any law to the contrary, any increase or
24 increases in a minimum wage pursuant to a wage order adopted by rule on
25 December 28, 2016 but not yet applicable on the effective date of this
26 act shall not apply unless and until such wage order complies with the
27 requirements of this act.

28 § 4. This act shall take effect immediately and apply to any wage
29 orders adopted on or after such date.