

STATE OF NEW YORK

3542

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. PALMESANO, BARCLAY, CROUCH, DiPIETRO, FINCH, GIGLIO, KOLB, GOODELL -- Multi-Sponsored by -- M. of A. BLANKENBUSH, BRABENEC, FITZPATRICK, FRIEND, HAWLEY, LALOR, LAWRENCE, MALLIOTAKIS, McDONOUGH, B. MILLER, MONTESANO, MORINELLO, RA, RAIA, STEC, WALSH -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to minimum wage order increases

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

Section 1. Section 652 of the labor law is amended by adding a new subdivision 7 to read as follows:

7. New wage orders. No new minimum wage order or modification of an existing wage order issued by the commissioner pursuant to this article shall be effective until the legislature authorizes the wage increase contained within such order.

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

§ 654. Basis of changes in minimum wage. In establishing minimum wages and regulations for any occupation or occupations pursuant to the provisions of the following sections of this article, the wage board and the commissioner shall consider the amount sufficient to provide adequate maintenance and to protect health and, in addition, the wage board and the commissioner shall consider the value of the work or classification of work performed, and the wages paid in the state for work of like or comparable character. Further, the commissioner shall use existing employment data to prepare an analysis of the possible aggregate cost incurred by businesses located within the state of New York for such an increase.

§ 3. Subdivision 4 of section 655 of the labor law, as added by chapter 619 of the laws of 1960, is amended to read as follows:

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

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1 4. Report. Within forty-five days of the appointment of the wage board
2 to inquire into wages in any occupation or occupations, the board shall
3 (a) conduct public hearings and (b) submit to the commissioner a report,
4 including its recommendations as to minimum wages and regulations for
5 the employees in such occupation or occupations. The report and recom-
6 mendations of the board shall be submitted only after ~~[a]~~ the unanimous
7 vote of ~~[not less than a majority of]~~ all its members in support of such
8 report and recommendations. No report or recommendation of a panel shall
9 be submitted without the prior vote of ~~[not less than a majority of]~~ all
10 the members of the board in support of such report or recommendation.
11 The commissioner may extend up to ninety days the time in which the
12 report shall be submitted.

13 § 4. Section 656 of the labor law, as added by chapter 619 of the laws
14 of 1960, is amended to read as follows:

15 § 656. Action by commissioner upon wage board report. When the wage
16 board submits its report and recommendations to the commissioner, the
17 commissioner shall forthwith file them with the secretary of the depart-
18 ment. Within five days of their receipt, the commissioner shall publish
19 a notice of such filing in at least ten newspapers of general circula-
20 tion in the state. Any objections to the report and recommendations
21 shall be filed with the commissioner within fifteen days after such
22 publication. The commissioner may, if he deems it appropriate, order
23 oral argument, which shall be scheduled before the commissioner, or such
24 representative as he may designate, on five days' notice to the persons
25 who have filed objections to the report and recommendations. Whether or
26 not oral argument is scheduled, the commissioner shall ~~[by order]~~ accept
27 ~~[or]~~ reject, or modify the board's report and recommendations within
28 forty-five days after filing with the secretary of the department and
29 submit a report to the legislature, which shall include (i) the recom-
30 mendations of the wage board; (ii) a statement indicating whether the
31 commissioner accepts, rejects or recommends modification of the board's
32 report and recommendations; (iii) any and all objections to the report
33 and recommendations filed with the commissioner; and (iv) the analysis
34 required by section six hundred fifty-four of this article. ~~[The commis-~~
35 ~~sioner may by such order modify the regulations recommended by the~~
36 ~~board. Such order of the commissioner shall become effective thirty days~~
37 ~~after publication, in the manner prescribed in this section, of a notice~~
38 ~~of such order.]~~ The commissioner may, within such forty-five days,
39 confer with the wage board, which may make such changes in its report or
40 recommendations as it may deem fit. The commissioner also may, within
41 such forty-five days, remand the matter to the board for such further
42 proceeding as he may direct.

43 § 5. This act shall take effect immediately.