

STATE OF NEW YORK

4056

2019-2020 Regular Sessions

IN SENATE

February 26, 2019

Introduced by Sen. ANTONACCI -- 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, any minimum
19 wage order adopted on or after the effective date of the chapter of the
20 laws of two thousand nineteen that added this paragraph, including any
21 wage order establishing or modifying overtime thresholds for employees
22 paid a salary for services, shall only be adopted if the commissioner
23 conducts an analysis of the effect of the increase in such order includ-
24 ing, but not limited to, the impact upon employers, employees and the
25 economy of the state and the affected regions within the state and

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

LBD10089-01-9

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

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

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

21 § 3. This act shall take effect immediately and apply to any wage
22 orders adopted on or after such date.