

STATE OF NEW YORK

9085

IN SENATE

November 9, 2020

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to raising the minimum wage annually by a percentage which is based on inflation

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

1 Section 1. Subdivision 1 of section 652 of the labor law, as amended
2 by section 1 of part K of chapter 54 of the laws of 2016, is amended to
3 read as follows:

4 1. Statutory. Every employer shall pay to each of its employees for
5 each hour worked a wage of not less than:

6 \$4.25 on and after April 1, 1991,

7 \$5.15 on and after March 31, 2000,

8 \$6.00 on and after January 1, 2005,

9 \$6.75 on and after January 1, 2006,

10 \$7.15 on and after January 1, 2007,

11 \$8.00 on and after December 31, 2013,

12 \$8.75 on and after December 31, 2014,

13 \$9.00 on and after December 31, 2015,

14 and until December 31, 2016, or, if greater, such other wage as may be
15 established by federal law pursuant to 29 U.S.C. section 206 or its
16 successors or such other wage as may be established in accordance with
17 the provisions of this article.

18 (a) New York City. (i) Large employers. Every employer of eleven or
19 more employees shall pay to each of its employees for each hour worked
20 in the city of New York a wage of not less than:

21 \$11.00 per hour on and after December 31, 2016,

22 \$13.00 per hour on and after December 31, 2017,

23 \$15.00 per hour on and after December 31, 2018,

24 and on each following December thirty-first, a wage published by the
25 commissioner on or before October first, based on the then current mini-
26 mum wage increased by the lesser of three and one-half percent and the
27 rate of inflation, if greater than zero, for the most recent twelve
28 month period ending June of that year based on the consumer price index

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

LBD17496-02-0

1 for all urban consumers on a national and seasonally unadjusted basis
2 (CPI-U), or a successor index as calculated by the United States depart-
3 ment of labor, or, if greater, such other wage as may be established by
4 federal law pursuant to 29 U.S.C. section 206 or its successors or such
5 other wage as may be established in accordance with the provisions of
6 this article.

7 (ii) Small employers. Every employer of ten or less employees shall
8 pay to each of its employees for each hour worked in the city of New
9 York a wage of not less than:

10 \$10.50 per hour on and after December 31, 2016,

11 \$12.00 per hour on and after December 31, 2017,

12 \$13.50 per hour on and after December 31, 2018,

13 \$15.00 per hour on and after December 31, 2019,

14 and on each following December thirty-first, a wage published by the
15 commissioner on or before October first, based on the then current mini-
16 mum wage increased by the lesser of three and one-half percent and the
17 rate of inflation, if greater than zero, for the most recent twelve
18 month period ending June of that year based on the consumer price index
19 for all urban consumers on a national and seasonally unadjusted basis
20 (CPI-U), or a successor index as calculated by the United States depart-
21 ment of labor, or, if greater, such other wage as may be established by
22 federal law pursuant to 29 U.S.C. section 206 or its successors or such
23 other wage as may be established in accordance with the provisions of
24 this article.

25 (b) Remainder of downstate. Every employer shall pay to each of its
26 employees for each hour worked in the counties of Nassau, Suffolk and
27 Westchester a wage not less than:

28 \$10.00 per hour on and after December 31, 2016,

29 \$11.00 per hour on and after December 31, 2017,

30 \$12.00 per hour on and after December 31, 2018,

31 \$13.00 per hour on and after December 31, 2019,

32 \$14.00 per hour on and after December 31, 2020,

33 \$15.00 per hour on and after December 31, 2021,

34 and on each following December thirty-first, a wage published by the
35 commissioner on or before October first, based on the then current mini-
36 mum wage increased by the lesser of three and one-half percent and the
37 rate of inflation, if greater than zero, for the most recent twelve
38 month period ending June of that year based on the consumer price index
39 for all urban consumers on a national and seasonally unadjusted basis
40 (CPI-U), or a successor index as calculated by the United States depart-
41 ment of labor, or, if greater, such other wage as may be established by
42 federal law pursuant to 29 U.S.C. section 206 or its successors or such
43 other wage as may be established in accordance with the provisions of
44 this article.

45 (c) Remainder of state. Every employer shall pay to each of its
46 employees for each hour worked outside of the city of New York and the
47 counties of Nassau, Suffolk, and Westchester, a wage of not less than:

48 \$9.70 on and after December 31, 2016,

49 \$10.40 on and after December 31, 2017,

50 \$11.10 on and after December 31, 2018,

51 \$11.80 on and after December 31, 2019,

52 \$12.50 on and after December 31, 2020,

53 and on each following December thirty-first, a wage published by the
54 commissioner on or before October first, based on the then current mini-
55 mum wage increased by ~~[a percentage determined by the director of the~~
56 ~~budget in consultation with the commissioner, with the result rounded to~~

1 ~~the nearest five cents, totaling no more than fifteen dollars, where the~~
2 ~~percentage increase shall be based on indices including, but not limited~~
3 ~~to, (i)] the lesser of three and one-half percent and the rate of~~
4 ~~inflation, if greater than zero,~~ for the most recent twelve month period
5 ending June of that year based on the consumer price index for all urban
6 consumers on a national and seasonally unadjusted basis (CPI-U), or a
7 successor index as calculated by the United States department of labor,
8 ~~[(ii) the rate of state personal income growth for the prior calendar~~
9 ~~year, or a successor index, published by the bureau of economic analysis~~
10 ~~of the United States department of commerce, or (iii) wage growth,]~~ or,
11 if greater, such other wage as may be established by federal law pursu-
12 ant to 29 U.S.C. section 206 or its successors or such other wage as may
13 be established in accordance with the provisions of this article.

14 (d) The rates and schedules established in paragraphs (a) and (b) of
15 this subdivision shall not be deemed to be the minimum wage under this
16 subdivision for purposes of the calculations specified in subdivisions
17 one and two of section five hundred twenty-seven of this chapter.

18 § 2. This act shall take effect immediately.