

STATE OF NEW YORK

3061

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. RODRIGUEZ, BLAKE, ARROYO -- Multi-Sponsored by --
M. of A. ENGLEBRIGHT, EPSTEIN -- read once and referred to the
Committee on Labor

AN ACT to amend the labor law, in relation to the minimum wage for
service workers receiving tips

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

1 Section 1. Subdivision 4 of section 652 of the labor law, as amended
2 by section 2 of part K of chapter 54 of the laws of 2016, is amended to
3 read as follows:

4 4. Notwithstanding subdivisions one and two of this section, the wage
5 for an employee who is a food service worker receiving tips shall be a
6 cash wage of at least two-thirds of the minimum wage rates set forth in
7 subdivision one of this section, rounded to the nearest five cents or
8 seven dollars and fifty cents, whichever is higher[~~, provided that the~~
9 ~~tips of such an employee, when added to such cash wage, are equal to or~~
10 ~~exceed~~]; and equal to the minimum wage in effect pursuant to subdivision
11 one of this section [~~and provided further that no other cash wage is~~
12 ~~established pursuant to section six hundred fifty three of this article]~~
13 on or after January first, two thousand twenty-one.

14 § 2. Section 652 of the labor law is amended by adding a new subdivi-
15 sion 3-a to read as follows:

16 3-a. Notwithstanding subdivisions one and two of this section, the
17 wage for an employee who is a service worker, including an employee who
18 is a resort service worker, receiving tips shall be a cash wage equal to
19 the minimum wage in effect pursuant to subdivision one of this section
20 on or after January first, two thousand twenty-one.

21 § 3. This act shall take effect immediately.

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

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