

# STATE OF NEW YORK

7616

2019-2020 Regular Sessions

## IN ASSEMBLY

May 14, 2019

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to farm worker meal and lodging minimum wage credits

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

1 Section 1. Section 673 of the labor law is amended by adding a new  
2 subdivision 3 to read as follows:

3 3. Meals, lodging and utilities allowances. Notwithstanding any other  
4 provision of law or regulation to the contrary, the following items and  
5 their respective values may be considered part of the minimum wage rate,  
6 and shall be annually adjusted to reflect an increase in the rate of  
7 cost of living, as determined by the cost of living adjustment calcula-  
8 tor, if any of the following items are provided to the employee:

9 a. Meals. Employees may be charged \$2.97 per meal on or after January  
10 first, two thousand nineteen. No allowance for meals shall be consid-  
11 ered as part of the minimum wage if a migrant seasonal employee earns  
12 less than \$441.01 in a two-week period on or after January first, two  
13 thousand nineteen, other than by reason of voluntary absence.

14 b. Lodging and utilities. (1) Migrant seasonal employees. No allowance  
15 for lodging or utilities shall be considered as part of the minimum wage  
16 for a migrant seasonal employee. (2) All other employees. All other  
17 employees not provided for in subparagraph one of this paragraph may be  
18 charged \$33.12 per week on and after January first, two thousand nine-  
19 teen per employee for single occupancy or \$22.12 per week on and after  
20 January first, two thousand nineteen per employee for multiple occupan-  
21 cy. When a house or apartment and utilities are furnished by an employer  
22 to an employee, a fair and reasonable amount may be allowed for such  
23 facilities, which amount shall not exceed the lesser of either the  
24 reasonable value of comparable facilities in the locality, or \$8.74 a  
25 day on and after January first, two thousand nineteen for an individual

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

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1 employee, and \$13.99 a day on and after January first, two thousand  
2 nineteen when the employee's family resides with the employee.  
3 § 2. This act shall take effect on the thirtieth day after it shall  
4 have become a law.