

STATE OF NEW YORK

7503--C

2021-2022 Regular Sessions

IN ASSEMBLY

May 12, 2021

Introduced by M. of A. JOYNER, BRONSON, CRUZ, STECK, GOTTFRIED, ABBATE, GONZALEZ-ROJAS, HEVESI, DICKENS, GALLAGHER, CLARK, HUNTER, COOK, DINOWITZ, SEPTIMO, SIMON, BENEDETTO -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to raising the minimum wage annually by a percentage which is based on inflation; and to repeal subdivision 6 of section 652 of the labor law relating thereto

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

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

LBD06653-18-2

1 (a) New York City. [~~(i) Large employers.~~] Every employer [~~of eleven or~~
2 ~~more employees~~] shall pay to each of its employees for each hour worked
3 in the city of New York a wage of not less than:

4 \$11.00 per hour on and after December 31, 2016,

5 \$13.00 per hour on and after December 31, 2017,

6 \$15.00 per hour on and after December 31, 2018,

7 \$17.25 on and after January 1, 2024,

8 \$19.25 on and after January 1, 2025,

9 \$21.25 on and after January 1, 2026, or, if greater, such other wage

10 as may be established by federal law pursuant to 29 U.S.C. section 206
11 or its successors or such other wage as may be established in accordance
12 with the provisions of this article.

13 [~~(ii) Small employers. Every employer of ten or less employees shall~~
14 ~~pay to each of its employees for each hour worked in the city of New~~
15 ~~York a wage of not less than:~~

16 ~~\$10.50 per hour on and after December 31, 2016,~~

17 ~~\$12.00 per hour on and after December 31, 2017,~~

18 ~~\$13.50 per hour on and after December 31, 2018,~~

19 ~~\$15.00 per hour on and after December 31, 2019, or, if greater, such~~

20 ~~other wage as may be established by federal law pursuant to 29 U.S.C.~~
21 ~~section 206 or its successors or such other wage as may be established~~
22 ~~in accordance with the provisions of this article.]~~

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

26 \$10.00 per hour on and after December 31, 2016,

27 \$11.00 per hour on and after December 31, 2017,

28 \$12.00 per hour on and after December 31, 2018,

29 \$13.00 per hour on and after December 31, 2019,

30 \$14.00 per hour on and after December 31, 2020,

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

32 \$17.25 on and after January 1, 2024,

33 \$19.25 on and after January 1, 2025,

34 \$21.25 on and after January 1, 2026, or, if greater, such other wage

35 as may be established by federal law pursuant to 29 U.S.C. section 206
36 or its successors or such other wage as may be established in accordance
37 with the provisions of this article.

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

41 \$9.70 on and after December 31, 2016,

42 \$10.40 on and after December 31, 2017,

43 \$11.10 on and after December 31, 2018,

44 \$11.80 on and after December 31, 2019,

45 \$12.50 on and after December 31, 2020,

46 \$13.20 on and after December 31, 2021,

47 \$14.20 on and after January 1, 2023,

48 \$16.00 on and after January 1, 2024,

49 \$18.00 on and after January 1, 2025,

50 \$20.00 on and after January 1, 2026,

51 [~~and on each following December thirty first, a wage published by the~~
52 ~~commissioner on or before October first, based on the then current mini-~~
53 ~~mum wage increased by a percentage determined by the director of the~~
54 ~~budget in consultation with the commissioner, with the result rounded to~~
55 ~~the nearest five cents, totaling no more than fifteen dollars, where the~~
56 ~~percentage increase shall be based on indices including, but not limited~~

1 ~~to, (i) the rate of inflation for the most recent twelve month period~~
2 ~~ending June of that year based on the consumer price index for all urban~~
3 ~~consumers on a national and seasonally unadjusted basis (CPI-U), or a~~
4 ~~successor index as calculated by the United States department of labor,~~
5 ~~(ii) the rate of state personal income growth for the prior calendar~~
6 ~~year, or a successor index, published by the bureau of economic analysis~~
7 ~~of the United States department of commerce, or (iii) wage growth,~~] or,
8 if greater, such other wage as may be established by federal law pursu-
9 ant to 29 U.S.C. section 206 or its successors or such other wage as may
10 be established in accordance with the provisions of this article.

11 (d) Annual increases. On January first, two thousand twenty-seven, and
12 on each following January first, the wages set forth in paragraphs (a),
13 (b) and (c) of this subdivision and any other wages established in
14 accordance with the provisions of this chapter and set forth in any
15 minimum wage order, shall be the wages published by the commissioner
16 pursuant to this paragraph. The commissioner shall publish such wages on
17 or before October first, two thousand twenty-six, and on or before each
18 following October first. The commissioner shall base each such published
19 wage on each then current wage increased by the sum of: (1) the rate of
20 inflation, if greater than zero, as measured by the change in the
21 consumer price index for all urban wage earners and clerical workers on
22 a national and seasonally unadjusted basis (CPI-W), or a successor
23 index, as calculated by the United States department of labor; and (2)
24 labor productivity growth, if greater than zero, as measured by the
25 change in the average quarterly index for the four quarters through the
26 second quarter of the current year divided by the average quarterly
27 index for the four quarters through the second quarter of the preceding
28 year in national labor productivity (output per hour) of all employed
29 persons in the nonfarm business sector, or a successor index, as calcu-
30 lated by the United States department of labor, with the sum rounded to
31 the nearest multiple of five cents. The commissioner shall publish such
32 wages on or before October first, two thousand twenty-six, and on or
33 before each following October first. Provided, however, that the wage
34 set forth for paragraph (c) of this subdivision that the commissioner
35 publishes on or before October first, two thousand twenty-six to take
36 effect on January first, two thousand twenty-seven shall be a wage that
37 is equal to the wage that the commissioner publishes to take effect on
38 January first, two thousand twenty-seven for paragraphs (a) and (b) of
39 this subdivision. Thereafter, beginning with the wage that the commis-
40 sioner publishes for paragraph (c) of this subdivision on or before
41 October first, two thousand twenty-seven to take effect on January
42 first, two thousand twenty-eight, and that the commissioner publishes on
43 or before each following October first to take effect on each following
44 January first, the commissioner shall adjust the current wage for para-
45 graph (c) of this subdivision using the formula specified above in this
46 paragraph. For purposes of subdivision two of this section, each
47 published wage that increases each then current minimum wage shall be
48 deemed to be an increase in hourly minimum wage as provided in this
49 subdivision.

50 (e) The rates and schedules established [~~in paragraphs (a) and (b) of~~
51 under this subdivision for New York city and Nassau, Suffolk, and West-
52 chester counties shall not be deemed to be the minimum wage under this
53 subdivision for purposes of the calculations specified in subdivisions
54 one and two of section five hundred twenty-seven of this chapter.

55 § 2. Subdivision 6 of section 652 of the labor law is REPEALED.

56 § 3. This act shall take effect immediately.