STATE OF NEW YORK

1663--A

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sens. SKOUFIS, BIAGGI, BORRELLO, GALLIVAN, O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

b. Lodging and utilities. (1) Migrant seasonal employees. No allowance for lodging or utilities shall be considered as part of the minimum wage for a migrant seasonal employee. (2) All other employees. All other employees not provided for in subparagraph one of this paragraph may be charged $33.12 per week on and after January first, two thousand twenty-two per employee for single occupancy or $22.12 per week on and after January first, two thousand twenty-two per employee for multiple occupancy. When a house or apartment and utilities are furnished by an employer to an employee, a fair and reasonable amount may be allowed for

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

LBD05853-02-2

such facilities, which amount shall not exceed the lesser of either the reasonable value of comparable facilities in the locality, or $8.74 a day on and after January first, two thousand twenty-two for an individual employee, and $13.99 a day on and after January first, two thousand twenty-two when the employee's family resides with the employee.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.