STATE OF NEW YORK

3744

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

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

AN ACT establishing the New York state food service workers compensation task force

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

Section 1. 1. The department of labor is hereby authorized to establish the New York state food service workers compensation task force to provide the governor and the legislature with information on the compensation of food service workers, specifically tipped wages, within the state of New York. For purposes of this act, "food service worker" shall mean any employee primarily engaged in the serving of food or beverages to guests, patrons or customers in the hotel or restaurant industries, including, but not limited to, wait staff, bartenders, captains and bussing personnel; and who regularly receive tips from such guests, patrons or customers.

2. The task force shall be comprised of:

a. two members appointed by the governor;

b. two members appointed by the temporary president of the senate;

c. two members appointed by the speaker of the assembly;

d. one member appointed by the minority leader of the senate;

e. one member appointed by the minority leader of the assembly; and

f. two members appointed by the commissioner of the department of labor.

3. The task force shall:

a. study the amount of compensation an average food service worker makes per hour regardless of the source, including but not limited to, hourly wage, salary and/or tips;

b. determine what the average hourly wage for a food service worker is including tips and not including tips, based on the geographical areas set forth under section 652 of the labor law;

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

LBD03074-01-1

c. study how New York food service employers allocate tips whether through a tip pool, individual tips or through other means and how hourly wages/salaries are determined based on the allocation of such tips;

d. determine if mandated procedures are necessary to regulate the payment of tipped food service workers and if so, what such procedures would include; and

e. study any other issue such task force deems relevant.

4. Such task force shall collaborate with any necessary state and city of New York agencies.

5. The department of labor shall submit a report, on or before January 1, 2023, to the governor and the legislature of its findings, conclusions and recommendations, and legislative and regulatory proposals deemed necessary to implement such recommendations.

§ 2. This act shall take effect immediately.