STATE OF NEW YORK

4547

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. RODRIGUEZ -- 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 Assembly, do enact as follows:

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

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

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

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

§ 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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