STATE OF NEW YORK

5063

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

Introduced by M. of A. PALMESANO, BARCLAY, GOODELL, BRABENEC, BYRNE, DiPIETRO, J. M. GIGLIO, MANKTELOW, MORINELLO, SALKA, TAGUE -- Multi-Sponsored by -- M. of A. BLANKENBUSH, BYRNES, DeSTEFANO, FITZPATRICK, FRIEND, HAWLEY, LALOR, McDONOUGH, B. MILLER, M. MILLER, MONTESANO, RA, REILLY, WALSH -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to minimum wage order increases

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

Section 1. Section 652 of the labor law is amended by adding a new subdivision 7 to read as follows:

7. New wage orders. No new minimum wage order or modification of an existing wage order issued by the commissioner pursuant to this article shall be effective until the legislature authorizes the wage increase contained within such order.

§ 2. Section 654 of the labor law, as added by chapter 619 of the laws of 1960, is amended to read as follows:

§ 654. Basis of changes in minimum wage. In establishing minimum wages and regulations for any occupation or occupations pursuant to the provisions of the following sections of this article, the wage board and the commissioner shall consider the amount sufficient to provide adequate maintenance and to protect health and, in addition, the wage board and the commissioner shall consider the value of the work or classification of work performed, and the wages paid in the state for work of like or comparable character. **Further, the commissioner shall use existing employment data to prepare an analysis of the possible aggregate cost incurred by businesses located within the state of New York for such an increase.**

§ 3. Subdivision 4 of section 655 of the labor law, as added by chapter 619 of the laws of 1960, is amended to read as follows:

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

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4. Report. Within forty-five days of the appointment of the wage board to inquire into wages in any occupation or occupations, the board shall (a) conduct public hearings and (b) submit to the commissioner a report, including its recommendations as to minimum wages and regulations for the employees in such occupation or occupations. The report and recommendations of the board shall be submitted only after [~~a~~] **the unanimous** vote of [~~not less than a majority of~~] all its members in support of such report and recommendations. No report or recommendation of a panel shall be submitted without the prior vote of [~~not less than a majority of~~] all the members of the board in support of such report or recommendation. The commissioner may extend up to ninety days the time in which the report shall be submitted.

§ 4. Section 656 of the labor law, as added by chapter 619 of the laws of 1960, is amended to read as follows:

§ 656. Action by commissioner upon wage board report. When the wage board submits its report and recommendations to the commissioner, the commissioner shall forthwith file them with the secretary of the department. Within five days of their receipt, the commissioner shall publish a notice of such filing in at least ten newspapers of general circulation in the state. Any objections to the report and recommendations shall be filed with the commissioner within fifteen days after such publication. The commissioner may, if he deems it appropriate, order oral argument, which shall be scheduled before the commissioner, or such representative as he may designate, on five days' notice to the persons who have filed objections to the report and recommendations. Whether or not oral argument is scheduled, the commissioner shall [~~by order~~] accept [~~or~~]**,** reject**, or modify** the board's report and recommendations within forty-five days after filing with the secretary of the department **and submit a report to the legislature, which shall include (i) the recommendations of the wage board; (ii) a statement indicating whether the commissioner accepts, rejects or recommends modification of the board's report and recommendations; (iii) any and all objections to the report and recommendations filed with the commissioner; and (iv) the analysis required by section six hundred fifty-four of this article**. [~~The commissioner may by such order modify the regulations recommended by the board. Such order of the commissioner shall become effective thirty days after publication, in the manner prescribed in this section, of a notice of such order.~~] The commissioner may, within such forty-five days, confer with the wage board, which may make such changes in its report or recommendations as it may deem fit. The commissioner also may, within such forty-five days, remand the matter to the board for such further proceeding as he may direct.

§ 5. This act shall take effect immediately.