

STATE OF NEW YORK

3062--B

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sens. RAMOS, BRISPORT, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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,
14 and until December 31, 2016, or, if greater, such other wage as may be
15 established by federal law pursuant to 29 U.S.C. section 206 or its
16 successors or such other wage as may be established in accordance with
17 the provisions of this article.
18 (a) New York City. (i) Large employers. Every employer of eleven or
19 more employees shall pay to each of its employees for each hour worked
20 in the city of New York a wage of not less than:
21 \$11.00 per hour on and after December 31, 2016,

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

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1 \$13.00 per hour on and after December 31, 2017,
2 \$15.00 per hour on and after December 31, 2018,
3 and on each following December thirty-first, a wage published by the
4 commissioner on or before October first, based on the then current mini-
5 imum wage increased by the rate of inflation, if greater than zero, for
6 the most recent twelve month period ending June of that year based on
7 the consumer price index for all urban consumers on a national and
8 seasonally unadjusted basis (CPI-U), or a successor index as calculated
9 by the United States department of labor, or, if greater, such other
10 wage as may be established by federal law pursuant to 29 U.S.C. section
11 206 or its successors or such other wage as may be established in
12 accordance 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,

20 and on each following December thirty-first, a wage published by the
21 commissioner on or before October first, based on the then current mini-
22 imum wage increased by the rate of inflation, if greater than zero, for
23 the most recent twelve month period ending June of that year based on
24 the consumer price index for all urban consumers on a national and
25 seasonally unadjusted basis (CPI-U), or a successor index as calculated
26 by the United States department of labor, or, if greater, such other
27 wage as may be established by federal law pursuant to 29 U.S.C. section
28 206 or its successors or such other wage as may be established in
29 accordance with the provisions of this article.

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

33 \$10.00 per hour on and after December 31, 2016,
34 \$11.00 per hour on and after December 31, 2017,
35 \$12.00 per hour on and after December 31, 2018,
36 \$13.00 per hour on and after December 31, 2019,
37 \$14.00 per hour on and after December 31, 2020,
38 \$15.00 per hour on and after December 31, 2021,

39 and on each following December thirty-first, a wage published by the
40 commissioner on or before October first, based on the then current mini-
41 imum wage increased by the rate of inflation, if greater than zero, for
42 the most recent twelve month period ending June of that year based on
43 the consumer price index for all urban consumers on a national and
44 seasonally unadjusted basis (CPI-U), or a successor index as calculated
45 by the United States department of labor, or, if greater, such other
46 wage as may be established by federal law pursuant to 29 U.S.C. section
47 206 or its successors or such other wage as may be established in
48 accordance with the provisions of this article.

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

52 \$9.70 on and after December 31, 2016,
53 \$10.40 on and after December 31, 2017,
54 \$11.10 on and after December 31, 2018,
55 \$11.80 on and after December 31, 2019,
56 \$12.50 on and after December 31, 2020,

1 \$13.33 on and after December 31, 2021,
2 \$14.16 on and after December 31, 2022,
3 \$15.00 on and after December 31, 2023,

4 and on each following December thirty-first, a wage published by the
5 commissioner on or before October first, based on the then current mini-
6 mum wage increased by [~~a percentage determined by the director of the~~
7 ~~budget in consultation with the commissioner, with the result rounded to~~
8 ~~the nearest five cents, totaling no more than fifteen dollars, where the~~
9 ~~percentage increase shall be based on indices including, but not limited~~
10 ~~to, (i) the rate of inflation for the most recent twelve month period~~
11 ~~ending June of that year based on the consumer price index for all urban~~
12 ~~consumers on a national and seasonally unadjusted basis (CPI-U), or a~~
13 ~~successor index as calculated by the United States department of labor,~~
14 ~~(ii) the rate of state personal income growth for the prior calendar~~
15 ~~year, or a successor index, published by the bureau of economic analysis~~
16 ~~of the United States department of commerce, or (iii) wage growth,] the
17 rate of inflation, if greater than zero, for the most recent twelve
18 month period ending June of that year based on the consumer price
19 index for all urban consumers on a national and seasonally unad-
20 justed basis (CPI-U), or a successor index as calculated by the
21 United States department of labor, or, if greater, such other wage as
22 may be established by federal law pursuant to 29 U.S.C. section 206 or
23 its successors or such other wage as may be established in accordance
24 with the provisions of this article.~~

25 (d) The rates and schedules established in paragraphs (a) and (b) of
26 this subdivision shall not be deemed to be the minimum wage under this
27 subdivision for purposes of the calculations specified in subdivisions
28 one and two of section five hundred twenty-seven of this chapter.

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

30 § 3. This act shall take effect immediately.