STATE OF NEW YORK

2203

2023-2024 Regular Sessions

IN ASSEMBLY

January 24, 2023

Introduced by M. of A. JOYNER, BRONSON, DINOWITZ, HEVESI, COLTON, GIBBS, L. ROSENTHAL, DICKENS, ARDILA, BORES, EPSTEIN, GONZALEZ-ROJAS, KELLES, MAMDANI, RAGA, SHRESTHA -- read once and referred to the Committee on Labor

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:

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

1. Statutory. Every employer shall pay to each of its employees for each hour worked a wage of not less than:

$4.25 on and after April 1, 1991,

$5.15 on and after March 31, 2000,

$6.00 on and after January 1, 2005,

$6.75 on and after January 1, 2006,

$7.15 on and after January 1, 2007,

$8.00 on and after December 31, 2013,

$8.75 on and after December 31, 2014,

$9.00 on and after December 31, 2015, and until December 31, 2016, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

(a) New York City. [~~(i) Large employers.~~] Every employer [~~of eleven or more employees~~] shall pay to each of its employees for each hour worked in the city of New York a wage of not less than:

$11.00 per hour on and after December 31, 2016,

$13.00 per hour on and after December 31, 2017,

$15.00 per hour on and after December 31, 2018,

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

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$17.25 on and after January 1, 2025,
$19.25 on and after January 1, 2026,
$21.25 on and after January 1, 2027, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

[~~(ii) Small employers. Every employer of ten or less employees shall pay to each of its employees for each hour worked in the city of New York a wage of not less than:~~
~~$10.50 per hour on and after December 31, 2016,~~
~~$12.00 per hour on and after December 31, 2017,~~
~~$13.50 per hour on and after December 31, 2018,~~
~~$15.00 per hour on and after December 31, 2019, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.~~]

(b) Remainder of downstate. Every employer shall pay to each of its employees for each hour worked in the counties of Nassau, Suffolk and Westchester a wage not less than:
$10.00 per hour on and after December 31, 2016,
$11.00 per hour on and after December 31, 2017,
$12.00 per hour on and after December 31, 2018,
$13.00 per hour on and after December 31, 2019,
$14.00 per hour on and after December 31, 2020,
$15.00 per hour on and after December 31, 2021,
$17.25 on and after January 1, 2025,
$19.25 on and after January 1, 2026,
$21.25 on and after January 1, 2027, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

(c) Remainder of state. Every employer shall pay to each of its employees for each hour worked outside of the city of New York and the counties of Nassau, Suffolk, and Westchester, a wage of not less than:
$9.70 on and after December 31, 2016,
$10.40 on and after December 31, 2017,
$11.10 on and after December 31, 2018,
$11.80 on and after December 31, 2019,
$12.50 on and after December 31, 2020,
$14.20 on and after January 1, 2024,
$16.00 on and after January 1, 2025,
$18.00 on and after January 1, 2026,
$20.00 on and after January 1, 2027,

[~~and on each following December thirty-first, a wage published by the commissioner on or before October first, based on the then current minimum wage increased by a percentage determined by the director of the budget in consultation with the commissioner, with the result rounded to the nearest five cents, totaling no more than fifteen dollars, where the percentage increase shall be based on indices including, but not limited to, (i) the rate of inflation for the most recent twelve month period ending June of that year based on the consumer price index for all urban consumers on a national and seasonally unadjusted basis (CPI-U), or a successor index as calculated by the United States department of labor, (ii) the rate of state personal income growth for the prior calendar year, or a successor index, published by the bureau of economic analysis of the United States department of commerce, or (iii) wage growth;~~] or,

if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

(d) **Annual increases. On January first, two thousand twenty-eight, and on each following January first, the wages set forth in paragraphs (a), (b) and (c) of this subdivision and any other wages established in accordance with the provisions of this chapter and set forth in any minimum wage order, shall be the wages published by the commissioner pursuant to this paragraph. The commissioner shall publish such wages on or before October first, two thousand twenty-seven, and on or before each following October first. The commissioner shall base each such published wage on each then current wage increased by the sum of: (1) the rate of inflation, if greater than zero, as measured by the change in the consumer price index for all urban wage earners and clerical workers on a national and seasonally unadjusted basis (CPI-W), or a successor index, as calculated by the United States department of labor; and (2) labor productivity growth, if greater than zero, as measured by the change in the average quarterly index for the four quarters through the second quarter of the current year divided by the average quarterly index for the four quarters through the second quarter of the preceding year in national labor productivity (output per hour) of all employed persons in the nonfarm business sector, or a successor index, as calculated by the United States department of labor, with the sum rounded to the nearest multiple of five cents. The commissioner shall publish such wages on or before October first, two thousand twenty-seven, and on or before each following October first. Provided, however, that the wage set forth for paragraph (c) of this subdivision that the commissioner publishes on or before October first, two thousand twenty-seven to take effect on January first, two thousand twenty-eight shall be a wage that is equal to the wage that the commissioner publishes to take effect on January first, two thousand twenty-eight for paragraphs (a) and (b) of this subdivision. Thereafter, beginning with the wage that the commissioner publishes for paragraph (c) of this subdivision on or before October first, two thousand twenty-eight to take effect on January first, two thousand twenty-nine, and that the commissioner publishes on or before each following October first to take effect on each following January first, the commissioner shall adjust the current wage for paragraph (c) of this subdivision using the formula specified above in this paragraph. For purposes of subdivision two of this section, each published wage that increases each then current minimum wage shall be deemed to be an increase in hourly minimum wage as provided in this subdivision.**

(e) The rates and schedules established [~~**in paragraphs (a) and (b) of**~~] **under** this subdivision **for New York city and Nassau, Suffolk, and Westchester counties** shall not be deemed to be the minimum wage under this subdivision for purposes of the calculations specified in subdivisions one and two of section five hundred twenty-seven of this chapter.

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

§ 3. This act shall take effect immediately.