

# 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:

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, and until December 31, 2016, or,  
14 if greater, such other wage as may be established by federal law pursu-  
15 ant to 29 U.S.C. section 206 or its successors or such other wage as may  
16 be established in accordance with the provisions of this article.  
17 (a) New York City. [~~(i) Large employers.~~] Every employer [~~of eleven or~~  
18 ~~more employees~~] shall pay to each of its employees for each hour worked  
19 in the city of New York a wage of not less than:  
20 \$11.00 per hour on and after December 31, 2016,  
21 \$13.00 per hour on and after December 31, 2017,  
22 \$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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1 \$17.25 on and after January 1, 2025,  
 2 \$19.25 on and after January 1, 2026,  
 3 \$21.25 on and after January 1, 2027, or, if greater, such other wage  
 4 as may be established by federal law pursuant to 29 U.S.C. section 206  
 5 or its successors or such other wage as may be established in accordance  
 6 with the provisions of this article.

7 [~~(ii) Small employers. Every employer of ten or less employees shall~~  
 8 ~~pay to each of its employees for each hour worked in the city of New~~  
 9 ~~York a wage of not less than:~~

10 ~~\$10.50 per hour on and after December 31, 2016,~~  
 11 ~~\$12.00 per hour on and after December 31, 2017,~~  
 12 ~~\$13.50 per hour on and after December 31, 2018,~~  
 13 ~~\$15.00 per hour on and after December 31, 2019, or, if greater, such~~  
 14 ~~other wage as may be established by federal law pursuant to 29 U.S.C.~~  
 15 ~~section 206 or its successors or such other wage as may be established~~  
 16 ~~in accordance with the provisions of this article.]~~

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

20 \$10.00 per hour on and after December 31, 2016,  
 21 \$11.00 per hour on and after December 31, 2017,  
 22 \$12.00 per hour on and after December 31, 2018,  
 23 \$13.00 per hour on and after December 31, 2019,  
 24 \$14.00 per hour on and after December 31, 2020,  
 25 \$15.00 per hour on and after December 31, 2021,

26 \$17.25 on and after January 1, 2025,  
 27 \$19.25 on and after January 1, 2026,  
 28 \$21.25 on and after January 1, 2027, or, if greater, such other wage  
 29 as may be established by federal law pursuant to 29 U.S.C. section 206  
 30 or its successors or such other wage as may be established in accordance  
 31 with the provisions of this article.

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

35 \$9.70 on and after December 31, 2016,  
 36 \$10.40 on and after December 31, 2017,  
 37 \$11.10 on and after December 31, 2018,  
 38 \$11.80 on and after December 31, 2019,  
 39 \$12.50 on and after December 31, 2020,

40 \$14.20 on and after January 1, 2024,  
 41 \$16.00 on and after January 1, 2025,  
 42 \$18.00 on and after January 1, 2026,  
 43 \$20.00 on and after January 1, 2027,

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

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

4 (d) Annual increases. On January first, two thousand twenty-eight, and  
5 on each following January first, the wages set forth in paragraphs (a),  
6 (b) and (c) of this subdivision and any other wages established in  
7 accordance with the provisions of this chapter and set forth in any  
8 minimum wage order, shall be the wages published by the commissioner  
9 pursuant to this paragraph. The commissioner shall publish such wages on  
10 or before October first, two thousand twenty-seven, and on or before  
11 each following October first. The commissioner shall base each such  
12 published wage on each then current wage increased by the sum of: (1)  
13 the rate of inflation, if greater than zero, as measured by the change  
14 in the consumer price index for all urban wage earners and clerical  
15 workers on a national and seasonally unadjusted basis (CPI-W), or a  
16 successor index, as calculated by the United States department of labor;  
17 and (2) labor productivity growth, if greater than zero, as measured by  
18 the change in the average quarterly index for the four quarters through  
19 the second quarter of the current year divided by the average quarterly  
20 index for the four quarters through the second quarter of the preceding  
21 year in national labor productivity (output per hour) of all employed  
22 persons in the nonfarm business sector, or a successor index, as calcu-  
23 lated by the United States department of labor, with the sum rounded to  
24 the nearest multiple of five cents. The commissioner shall publish such  
25 wages on or before October first, two thousand twenty-seven, and on or  
26 before each following October first. Provided, however, that the wage  
27 set forth for paragraph (c) of this subdivision that the commissioner  
28 publishes on or before October first, two thousand twenty-seven to take  
29 effect on January first, two thousand twenty-eight shall be a wage that  
30 is equal to the wage that the commissioner publishes to take effect on  
31 January first, two thousand twenty-eight for paragraphs (a) and (b) of  
32 this subdivision. Thereafter, beginning with the wage that the commis-  
33 sioner publishes for paragraph (c) of this subdivision on or before  
34 October first, two thousand twenty-eight to take effect on January  
35 first, two thousand twenty-nine, and that the commissioner publishes on  
36 or before each following October first to take effect on each following  
37 January first, the commissioner shall adjust the current wage for para-  
38 graph (c) of this subdivision using the formula specified above in this  
39 paragraph. For purposes of subdivision two of this section, each  
40 published wage that increases each then current minimum wage shall be  
41 deemed to be an increase in hourly minimum wage as provided in this  
42 subdivision.

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

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

49 § 3. This act shall take effect immediately.