

STATE OF NEW YORK

10507

IN ASSEMBLY

March 6, 2026

Introduced by M. of A. MEEKS -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to raising the minimum wage to \$30 by January 1, 2030 for large employers and by January 1, 2035 for small employers, and by a percentage which is based on inflation thereafter, and to provide for minimum wage requirements for miscellaneous industry workers; to amend the correction law, in relation to minimum wage for incarcerated individuals working in correctional facilities; and to repeal subdivision 6 of section 652 of the labor law relating to minimum wage increases

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "living wage for all act".
3 § 2. Legislative findings. The legislature hereby finds and declares
4 that:
5 New York state faces an ongoing affordability crisis that has
6 increased the cost of basic necessities, including housing, child care,
7 food, transportation, and health care, and has placed growing financial
8 strain on working families.
9 The legislature further finds that the statutory minimum wage has not
10 kept pace with the actual cost of meeting basic needs in many regions of
11 the state, such that full-time work at or near the minimum wage is
12 insufficient for many workers to attain economic security.
13 The legislature further finds that credible, geographically specific
14 measures of the cost of living--based on the costs of basic household
15 necessities and required taxes--indicate that a living wage in numerous
16 counties and regions of the state is substantially higher than the
17 current minimum wage.
18 The legislature further finds that when wages are set below a level
19 sufficient to meet basic needs, workers and families are more likely to
20 experience material hardship and economic instability, and public and
21 community resources may be strained by increased demand for assistance.

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

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1 The legislature further finds that establishing a clear schedule to
2 reach a statewide living wage and providing for predictable annual
3 adjustments thereafter are necessary to prevent erosion in the real
4 value of wages over time and to promote economic stability for workers
5 and communities.

6 It is therefore the intent of the legislature in enacting this act to
7 raise the minimum wage to a living wage statewide and to provide for
8 ongoing adjustments thereafter in order to maintain the purchasing power
9 of the minimum wage.

10 § 3. Subdivision 1 of section 652 of the labor law, as amended by
11 section 1 of part K of chapter 54 of the laws of 2016, paragraph (c) as
12 amended by section 1 of part S of chapter 56 of the laws of 2023, is
13 amended to read as follows:

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

16 \$4.25 on and after April 1, 1991,

17 \$5.15 on and after March 31, 2000,

18 \$6.00 on and after January 1, 2005,

19 \$6.75 on and after January 1, 2006,

20 \$7.15 on and after January 1, 2007,

21 \$8.00 on and after December 31, 2013,

22 \$8.75 on and after December 31, 2014,

23 \$9.00 on and after December 31, 2015, and until December 31, 2016, or,

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

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

30 \$11.00 per hour on and after December 31, 2016,

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

32 \$15.00 per hour on and after December 31, 2018,

33 \$18.75 per hour on and after January 1, 2027,

34 \$22.50 per hour on and after January 1, 2028,

35 \$26.35 per hour on and after January 1, 2029,

36 \$30.00 per hour on and after January 1, 2030, or, if greater, such

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

40 (ii) Small employers. Every employer of ten or less employees shall
41 pay to each of its employees for each hour worked in the city of New
42 York a wage of not less than:

43 \$10.50 per hour on and after December 31, 2016,

44 \$12.00 per hour on and after December 31, 2017,

45 \$13.50 per hour on and after December 31, 2018,

46 \$15.00 per hour on and after December 31, 2019,

47 \$16.67 on and after January 1, 2027,

48 \$18.34 on and after January 1, 2028,

49 \$20.01 on and after January 1, 2029,

50 \$21.68 on and after January 1, 2030,

51 \$23.35 on and after January 1, 2031,

52 \$25.02 on and after January 1, 2032,

53 \$26.69 on and after January 1, 2033,

54 \$28.36 on and after January 1, 2034,

55 \$30.00 on and after January 1, 2035, or, if greater, such other wage

56 as may be established by federal law pursuant to 29 U.S.C. section 206

1 or its successors or such other wage as may be established in accordance
2 with the provisions of this article.

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

6 ~~\$10.00 per hour on and after December 31, 2016,~~

7 ~~\$11.00 per hour on and after December 31, 2017,~~

8 ~~\$12.00 per hour on and after December 31, 2018,~~

9 ~~\$13.00 per hour on and after December 31, 2019,~~

10 ~~\$14.00 per hour on and after December 31, 2020,~~

11 ~~\$15.00 per hour on and after December 31, 2021,~~

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

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

18 ~~\$9.70 on and after December 31, 2016,~~

19 ~~\$10.40 on and after December 31, 2017,~~

20 ~~\$11.10 on and after December 31, 2018,~~

21 ~~\$11.80 on and after December 31, 2019,~~

22 ~~\$12.50 on and after December 31, 2020,~~

23 ~~and on each following December thirty first up to and until December
24 31, 2022, a wage published by the commissioner on or before October
25 first, based on the then current minimum wage increased by a percentage
26 determined by the director of the budget in consultation with the
27 commissioner, with the result rounded to the nearest five cents, total-
28 ing no more than fifteen dollars, where the percentage increase shall be
29 based on indices including, but not limited to, (i) the rate of
30 inflation for the most recent twelve month period ending June of that
31 year based on the consumer price index for all urban consumers on a
32 national and seasonally unadjusted basis (CPI-U), or a successor index
33 as calculated by the United States department of labor, (ii) the rate of
34 state personal income growth for the prior calendar year, or a successor
35 index, published by the bureau of economic analysis of the United States
36 department of commerce, or (iii) wage growth; or, if greater, such other
37 wage as may be established by federal law pursuant to 29 U.S.C. section
38 206 or its successors or such other wage as may be established in
39 accordance with the provisions of this article.~~

40 ~~(d) The rates and schedules established in paragraphs (a) and (b) of
41 this subdivision shall not be deemed to be the minimum wage under this
42 subdivision for purposes of the calculations specified in subdivisions
43 one and two of section five hundred twenty seven of this chapter.]~~

44 (b) On January first, two thousand thirty-one, and on each following
45 January first, the wages set forth in paragraph (a) of this subdivision
46 and any other wages established in accordance with the provisions of
47 this chapter and set forth in any minimum wage order, shall be the wages
48 published by the commissioner pursuant to this paragraph. The commis-
49 sioner shall publish such wages on or before October first, two thousand
50 thirty, and on each following October first. The commissioner shall base
51 each such published wage on each then current wage increased by the sum
52 of: (i) the rate of inflation, if greater than zero, as measured by the
53 change in the average for the twelve months through June of the current
54 year divided by the average for the twelve months through June of the
55 preceding year in the consumer price index for all urban wage earners
56 and clerical workers on a national and seasonally unadjusted basis

1 (CPI-W), or a successor index, as calculated by the United States
2 department of labor; and (ii) labor productivity growth, if greater than
3 zero, as measured by the change in the average quarterly index for the
4 four quarters through the second quarter of the current year divided by
5 the average quarterly index for the four quarters through the second
6 quarter of the preceding year in national labor productivity (output per
7 hour) of all employed persons in the nonfarm business sector, or a
8 successor index, as calculated by the United States department of labor,
9 with the sum rounded to the nearest multiple of five cents. The commis-
10 sioner shall publish such wages on or before October first, two thousand
11 thirty, and on or before each following October first. For purposes of
12 subdivision two of this section, each published wage that increases each
13 then current minimum wage shall be deemed to be an increase in hourly
14 minimum wage as provided in this subdivision.

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

16 § 5. Section 196-d of the labor law, as added by chapter 1007 of the
17 laws of 1968, is amended to read as follows:

18 § 196-d. Gratuities. No employer or [~~his~~ their] agent or an officer or
19 agent of any corporation, or any other person shall demand or accept,
20 directly or indirectly, any part of the gratuities, received by an
21 employee, or retain any part of a gratuity or of any charge purported to
22 be a gratuity for an employee. This provision shall not apply to the
23 checking of hats, coats or other apparel. Nothing in this subdivision
24 shall be construed as affecting the allowances from the minimum wage for
25 gratuities in the amount determined in accordance with the provisions of
26 article nineteen of this chapter nor as affecting practices in
27 connection with banquets and other special functions where a fixed
28 percentage of the patron's bill is added for gratuities which are
29 distributed to employees, nor to the sharing of tips by a waiter, if the
30 employer takes a credit for gratuities as permitted by subdivision two
31 of section six hundred fifty-two of this chapter with a busboy or simi-
32 lar employee, or, if the employer does not take a credit for gratuities
33 as permitted by subdivision two of section six hundred fifty-two of this
34 chapter, with any other non-managerial and non-supervisory employees.

35 § 6. Section 651 of the labor law is amended by adding a new subdivi-
36 sion 10 to read as follows:

37 10. "Miscellaneous industry worker" means any employee covered by the
38 minimum wage order for miscellaneous industries and occupations pursuant
39 to the provisions of 12 NYCRR part 142, including, but not limited to,
40 car wash attendants, nail salon workers, tow truck drivers, dog groom-
41 ers, wedding planners, tour guides, valet parking attendants, hairdres-
42 sers, aestheticians, golf and tennis instructors, and door-persons.

43 § 7. Subdivisions 2 and 4 of section 652 of the labor law, as amended
44 by section 3 of part S of chapter 56 of the laws of 2023, are amended to
45 read as follows:

46 2. Existing wage orders. The minimum wage orders in effect on the
47 effective date of this act shall remain in full force and effect, except
48 as modified in accordance with the provisions of this article; provided,
49 however, that the minimum wage order for farm workers codified at part
50 one hundred ninety of title twelve of the New York code of rules and
51 regulations in effect on January first, two thousand twenty shall be
52 deemed to be a wage order established and adopted under this article and
53 shall remain in full force and effect except as modified in accordance
54 with the provisions of this article or article nineteen-A of this chap-
55 ter.

1 Such minimum wage orders shall be modified by the commissioner to
2 increase all monetary amounts specified therein in the same proportion
3 as the increase in the hourly minimum wage as provided in subdivisions
4 one, one-a, and one-b of this section, including the amounts specified
5 in such minimum wage orders as allowances for gratuities if not other-
6 wise prohibited by a municipality within its geographic boundaries, and
7 when furnished by the employer to its employees, for meals, lodging,
8 apparel and other such items, services and facilities. All amounts so
9 modified shall be rounded off to the nearest five cents. The modified
10 orders shall be promulgated by the commissioner without a public hear-
11 ing, and without reference to a wage board, and shall become effective
12 on the effective date of such increases in the minimum wage except as
13 otherwise provided in this subdivision, notwithstanding any other
14 provision of this article.

15 4. (a) Notwithstanding subdivisions one[~~, one-a, one-b,~~] and two of
16 this section and section six hundred fifty-three of this article, the
17 wage for an employee who is a food service worker or service employee
18 receiving tips and paid pursuant to the provisions of 12 NYCRR part 146
19 shall be [~~a cash wage of at least two-thirds of the minimum wage rates~~
20 ~~set forth in subdivision one of this section, rounded to the nearest~~
21 ~~five cents or seven dollars and fifty cents, whichever is higher,~~
22 ~~provided that the tips of such an employee, when added to such cash~~
23 ~~wage, are equal to or exceed the minimum wage in effect pursuant to~~
24 ~~subdivisions one, one-a, and one-b of this section and provided further~~
25 ~~that no other cash wage is established pursuant to section six hundred~~
26 ~~fifty-three of this article]~~, for each hour worked in the state of New
27 York, as follows:

28 (i) Large employers. Every employer of eleven or more employees shall
29 pay to each of its employees for each hour worked in the state of New
30 York a cash wage of not less than:

31 \$18.75 on and after January 1, 2027,

32 \$22.50 on and after January 1, 2028,

33 \$26.35 on and after January 1, 2029,

34 \$30.00 per hour on and after January 1, 2030,

35 and beginning on January first, two thousand thirty-one, a cash wage
36 rate established by the commissioner annually, indexed to inflation as
37 described in subdivision one-b of this section.

38 (ii) Small employers. Every employer of ten or less employees shall
39 pay to each of its employees for each hour worked in the state of New
40 York a wage of not less than:

41 \$16.67 on and after January 1, 2027,

42 \$18.34 on and after January 1, 2028,

43 \$20.01 on and after January 1, 2029,

44 \$21.68 on and after January 1, 2030,

45 \$23.35 on and after January 1, 2031,

46 \$25.02 on and after January 1, 2032,

47 \$26.69 on and after January 1, 2033,

48 \$28.36 on and after January 1, 2034,

49 \$30.00 on and after January 1, 2035,

50 and beginning on January first, two thousand thirty-one, a cash wage
51 rate established by the commissioner annually, indexed to inflation as
52 described in subdivision one-b of this section.

53 (b) Notwithstanding subdivisions one and two of this section, the wage
54 for an employee who is a miscellaneous industry worker receiving tips
55 and paid pursuant to the provisions of 12 NYCRR part 142 shall be, for
56 each hour worked in the city of New York, a cash wage of not less than

1 the cash wage rate as described in paragraph (a) of subdivision one-a of
2 this section.

3 (c) Notwithstanding subdivisions one and two of this section, the wage
4 for an employee who is a miscellaneous industry worker receiving tips
5 and paid pursuant to the provisions of 12 NYCRR part 142 shall be, for
6 each hour worked in the counties of Nassau, Suffolk and Westchester, a
7 cash wage of not less than the cash wage rate as described in paragraph
8 (b) of subdivision one-a of this section.

9 (d) Notwithstanding subdivisions one and two of this section, the wage
10 for an employee who is a miscellaneous industry worker receiving tips
11 and paid pursuant to the provisions of 12 NYCRR part 142 shall be for
12 each hour worked outside the city of New York and the counties of
13 Nassau, Suffolk and Westchester, a cash wage of not less than the cash
14 wage rate as described in paragraph (c) of subdivision one-a of this
15 section.

16 § 8. Subdivision 2 of section 653 of the labor law, as added by chap-
17 ter 14 of the laws of 2000, is amended to read as follows:

18 (2) The commissioner shall, within six months after enactment of any
19 change in the statutory minimum wage set forth in subdivision one of
20 section six hundred fifty-two of this article, appoint a wage board to
21 inquire and report and recommend any changes to wage orders governing
22 wages payable to food service workers. Such wage board shall be estab-
23 lished consistent with the provisions of subdivision one of section six
24 hundred fifty-five of this article, except the representatives of the
25 employees shall be selected upon the nomination of the state American
26 Federation of Labor/Congress of Industrial Organizations; and provided,
27 further, that the representatives of the employers shall be selected
28 upon the nomination of the New York State Business Council. [~~Any~~
29 Notwithstanding section six hundred fifty-five of this article, a wage
30 order [~~authorizing~~ under this subdivision shall not authorize a lesser
31 wage than the previously and statutorily mandated minimum wage for such
32 employees [~~shall be reviewed by the wage board to ascertain at what~~
33 ~~level such wage order is sufficient to provide adequate maintenance and~~
34 ~~to protect the health and livelihood of employees subject to such a wage~~
35 ~~order after a statutory increase in the mandated minimum wage~~].

36 § 9. Paragraph (c) of subdivision 5 of section 655 of the labor law,
37 as amended by chapter 747 of the laws of 1978, is amended to read as
38 follows:

39 (c) The wage board may also recommend, to the extent necessary in
40 order to prevent curtailment of opportunities for employment, regu-
41 lations for (1) the employment of learners and apprentices, under
42 special certificates issued by the commissioner, at such wages lower
43 than the minimum wage established by this article and subject to such
44 limitations as to time, number, proportion and length of service as
45 shall be prescribed in such regulation, (2) [~~the employment of individ-~~
46 ~~uals whose earning capacity is affected or impaired by youth or age or~~
47 ~~by physical or mental deficiency or injury, under special certificates~~
48 ~~issued by the commissioner, at such wages lower than the minimum wage~~
49 ~~established by this article and for such period as shall be prescribed~~
50 ~~in such regulation, (3)] the establishment of a period not extending
51 beyond seventeen consecutive weeks during which a resort hotel or camp
52 may employ students under special certificates issued by the commis-
53 sioner, at such wages lower than the minimum wage established by this arti-
54 cle as shall be prescribed in such regulation, and [~~(4)~~ (3)] the employ-
55 ment of residential employees in a non-profit making religious,
56 charitable or educational organization or in a non-profit making college~~

1 or university sorority or fraternity under special certificates issued
2 by the commissioner at such weekly wage as shall be prescribed in such
3 regulation.

4 § 10. The opening paragraph of subdivision 5 of section 651 of the
5 labor law, as amended by chapter 391 of the laws of 2024, is amended to
6 read as follows:

7 "Employee" includes any individual employed or permitted to work by an
8 employer in any occupation, but shall not include any individual who is
9 employed or permitted to work: (a) on a casual basis in service as a
10 part time baby sitter in the home of the employer; (b) in a bona fide
11 executive, administrative, or professional capacity; (c) as an outside
12 salesman; (d) as a driver engaged in operating a taxicab; (e) as a
13 volunteer, learner or apprentice by a corporation, unincorporated asso-
14 ciation, community chest, fund or foundation organized and operated
15 exclusively for religious, charitable or educational purposes, no part
16 of the net earnings of which inures to the benefit of any private share-
17 holder or individual; (f) as a member of a religious order, or as a duly
18 ordained, commissioned or licensed minister, priest or rabbi, or as a
19 sexton, or as a christian science reader; (g) in or for such a religious
20 or charitable institution, which work is incidental to or in return for
21 charitable aid conferred upon such individual and not under any express
22 contract of hire; (h) in or for such a religious, educational or chari-
23 table institution if such individual is a student; (i) [~~in or for such a~~
24 ~~religious, educational or charitable institution if the earning capacity~~
25 ~~of such individual is impaired by age or by physical or mental deficien-~~
26 ~~cy or injury;~~ (j)] in or for a summer camp or conference of such a reli-
27 gious, educational or charitable institution for not more than three
28 months annually; [~~(k)~~] (j) as a staff counselor in a children's camp;
29 [~~(l)~~] (k) in or for a college or university fraternity, sorority,
30 student association or faculty association, no part of the net earnings
31 of which inures to the benefit of any private shareholder or individual,
32 and which is recognized by such college or university, if such individ-
33 ual is a student; [~~(m)~~] (l) by a federal, state or municipal government
34 or political subdivision thereof; [~~(n)~~] (m) as a volunteer at a recre-
35 ational or amusement event run by a business that operates such events,
36 provided that no single such event lasts longer than eight consecutive
37 days and no more than one such event concerning substantially the same
38 subject matter occurs in any calendar year, where (1) any such volunteer
39 shall be at least eighteen years of age, (2) a business seeking coverage
40 under this paragraph shall notify every volunteer in writing, in
41 language acceptable to the commissioner, that by volunteering [~~his or~~
42 ~~her~~] such volunteer's services, such volunteer is waiving [~~his or her~~
43 such volunteer's right to receive the minimum wage pursuant to this
44 article, and (3) such notice shall be signed and dated by a represen-
45 tative of the business and the volunteer and kept on file by the busi-
46 ness for thirty-six months; [~~(o)~~] (n) in the delivery of newspapers or
47 shopping news to the consumer by a person who is not performing commer-
48 cial goods transportation services for a commercial goods transportation
49 contractor within the meaning of article twenty-five-C of this chapter;
50 or [~~(p)~~] (o) having entered into a contract to play baseball at the
51 minor league level and who is compensated pursuant to the terms of a
52 collective bargaining agreement that expressly provides for the wages,
53 hours of work, and working conditions of employees. The exclusions from
54 the term "employee" contained in this subdivision shall be as defined by
55 regulations of the commissioner.

1 § 11. Section 171 of the correction law is amended by adding a new
2 subdivision 3 to read as follows:

3 3. Incarcerated individuals who are working in correctional facilities
4 of this state, or any of its counties, shall be paid the full minimum
5 wage in accordance with subdivision one of section six hundred fifty-two
6 of the labor law.

7 § 12. The labor law is amended by adding a new section 666 to read as
8 follows:

9 § 666. Non-preemption clause. Nothing in this article or any other
10 provision of law shall be deemed to prohibit any municipality from
11 establishing or enforcing within its geographic boundaries payment of
12 minimum wage or benefits standards that are higher or more protective
13 than those established pursuant to this article or from prohibiting the
14 taking of an allowance for gratuities toward the minimum wage as other-
15 wise permitted by subdivision two of section six hundred fifty-two of
16 this article.

17 § 13. The commissioner of labor shall, no later than one hundred
18 eighty days after the effective date of this act, promulgate any regu-
19 lations and amend any minimum wage order or wage order issued pursuant
20 to article nineteen of the labor law, including but not limited to 12
21 NYCRR parts 142, 143 and 146, and any successor provisions, as are
22 necessary to implement this act and to ensure that no special certif-
23 icate, regulation or wage order authorizes payment of wages below the
24 minimum wage established by article nineteen of the labor law to indi-
25 viduals whose earning capacity is affected or impaired by physical or
26 mental deficiency or injury.

27 § 14. This act shall take effect immediately.