

Minimum Wage

Upon adoption of Part K of the Education, Labor and Family Assistance Budget Bill on April 1st, New York’s minimum wage has been scheduled to increase to \$15 an hour. However, the rate at which the minimum wage will increase will be dependent on the location of where the employee’s work is performed and, in the case of New York City, the number of people employed. Please know that the camp counselor exemption and the meal and lodging allowances were not eliminated. At the end of this year, the first increases begin and New York will have the following four separate minimum wages schedules:

NYC

Date of Increase	Large Employer Min. Wage	Small Employer Min. Wage
December 31, 2016	\$11.00	\$10.50
December 31, 2017	\$13.00	\$12.00
December 31, 2018	\$15.00	\$13.50
December 31, 2019		\$15.00

New York City will have its own minimum wage that increases at a different rate dependent on the size of the employer. Large employers, defined as a business employing 11 or more people, will have to pay \$11.00 an hour at the end of this year. The minimum wage will continue to increase at a rate of \$2.00 per year until it reaches \$15.00 on December 31, 2018. Small employers, defined as a business employing 10 or less people will pay \$10.50 at the end of this year and reach \$15.00 a year later, on December 31, 2019.

Long Island and Westchester

Date of Increase	Minimum Wage
December 31, 2016	\$10.00
December 31, 2017	\$11.00
December 31, 2018	\$12.00
December 31, 2019	\$13.00
December 31, 2020	\$14.00
December 31, 2021	\$15.00

The counties of Nassau, Suffolk and Westchester have been defined as “rest of downstate” and accordingly, have its own minimum wage schedule. It is unclear at this point why Westchester was the only county north of New York City to be included in this region. Nonetheless, the “rest of downstate” region will have its minimum wage increase at a rate of \$1.00 per year until it reaches \$15.00 on December 31, 2021. There is not any distinction between large and small employers. That distinction is only applicable to New York City.

Remainder of State

Date of Increase	Minimum Wage
December 31, 2016	\$9.70
December 31, 2017	\$10.40
December 31, 2018	\$11.10
December 31, 2019	\$11.80
December 31, 2020	\$12.50

All counties located outside New York City, Long Island and Westchester are defined as “remainder of state” and have a separate minimum wage schedule that does not automatically increase to \$15.00 on a date certain. The “remainder of state” minimum wage is scheduled to increase by \$0.70 per year until December 31, 2020 when the minimum wage will increase to \$12.50. Afterwards, on every subsequent October 1st, the Governor’s Division of Budget, in consultation with the Department of Labor, will publish the minimum wage increase for the “remainder of state” until that minimum wage increases to \$15.00 per hour.

Increases May Be Delayed

New York’s minimum wage may not increase as quickly as described above. On January 1, 2019 and each following year, the Governor’s Division of Budget will evaluate whether increasing the minimum wage should be temporarily suspended using relevant economic indicators and consulting with other government agencies and economic experts in each region. It appears the Governor would be able to suspend a minimum wage increase in one or more regions, such as Long Island and Westchester, without delaying the minimum wage increase in the “remainder of state” region. Further, the law empowers the Department of Labor to “smooth” wages and make changes to a wage order.

Regulations/Wage Order Updated

Regulations promulgated by the Department of Labor were adopted on December 28th, 2016. Accompanying this memo are three separate documents listing the lodging and meal allowances permitted under the law for each type of camp.