



BOUSQUET HOLSTEIN PLLC

Alert

Employment & Labor Practice Group

Changes to New York Minimum Wage Law

Syracuse, New York

January 2016

Changes to New York's minimum wage laws for both hourly and exempt employees went into effect on **January 1, 2016** for all New York employers. Additionally, some changes to the law will only affect employers in the restaurant and hospitality industry. A brief summary of the changes to the law are provided below.

1. The minimum wage for hourly workers increased from \$8.75 to \$9.00 per hour. It is the last minimum wage bump required by existing legislation.
2. The minimum salary for exempt employees has increased from \$656.25 to \$675.00 per week. Please remember, employees will only be exempt from overtime pay requirements if: (i) they are paid at least the minimum weekly salary requirement; and (ii) they qualify as professional, administrative or executive employees under the law.
3. The minimum wage for tipped employees in the restaurant and hospitality industry has also increased to \$9.00 per hour. Tipped employees, however, may be paid a reduced hourly wage of \$7.50 per hour because employers may take a "tip credit" of \$1.50 per hour toward their wages. Please remember that employees must actually earn in tips enough money to equal or exceed the tip credit taken. The employer remains responsible for ensuring that a tipped employee's ultimate earnings equal or exceed \$9.00 per hour.
4. The final change to New York's minimum wage laws affects certain fast food workers in New York's restaurant industry. Fast food establishments are defined as those restaurants that are part of a chain having 30 or more locations (they need not be all located in New York State). Qualifying restaurants outside New York City must phase in a minimum wage increase for their employees to \$15.00 per hour over the next several years. Effective January 1, 2016, the minimum wage for qualifying fast food establishments increased to \$9.75 per hour.

If you have not already done so, immediate action should be taken to address these changes which became effective on January 1, 2016. If you have any questions regarding the changes to New York's minimum wage laws, or require assistance in implementing the changes, please contact our firm.



Bousquet Holstein Employment and Labor Practice

How may we be of service?

The **Employment & Labor Practice Group** at **Bousquet Holstein PLLC** provides representation to employers, large and small, and to employees. Our attorneys make it a priority to become familiar with our clients' businesses. We emphasize addressing employment, discrimination, and labor issues before they become problems and we advise our clients in all areas of human relations and human resource practices to satisfy our clients' business objectives. If we can provide you with additional insight and information regarding how these or other changes in NYS law may impact your business, please contact **John L. Valentino**. John is a Managing Partner at Bousquet Holstein PLLC, and concentrates his practice in the areas of Employment Law and Business Transactions. He can be reached directly at **315.701.6308** or **jvalentino@BHLAWPLLC.com**.