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**NEW YORK**  
STATE OF  
OPPORTUNITY.

**Department  
of Labor**

**NEW YORK STATE'S MINIMUM WAGE**

**Next Scheduled Increase Effective December 31, 2021**



# The Minimum Wage....

- has reached \$15 per hour in New York City, Long Island & Westchester County.

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# The Minimum Wage....

- will continue to increase in **stages** in the Remainder of the State. Beginning December 31, 2021, it will increase at rates determined annually until the minimum wage reaches \$15.00 per hour. Those rates will be based on a number of criteria and determined by the Division of the Budget with input from the Department of Labor.



# What was the Schedule of Increases?

Increases occur on December 31 each year:

New York City Large (11 or more)	<b>\$2.00</b> per year until <b>2018</b>
New York City Small (10 or less)	<b>\$1.50</b> per year until <b>2019</b>
Westchester, Nassau & Suffolk	<b>\$1.00</b> per year until <b>2021</b>
• Remainder of the State	<b>\$0.70</b> per year until <b>\$13.20</b> in <b>2021</b>

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# What was the Schedule of Increases?

Fast Food increases also occur on December 31 each year:

- New York City **\$1.50** per year until **2018**
- Rest of the State **\$1.00** per year until **2019**  
**\$0.75** in **2020** and **\$0.50** on **7/1/21**

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# Rates of Pay

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# Work Location

The Minimum Wage rate is based on where an employee **performs work**, NOT on the office location.

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# What Are the Newest Rates?

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# Minimum Wage Rates

## 12/31/2021

<b>NYC Large</b>	<b>\$15.00</b>
<b>NYC Small</b>	<b>\$15.00</b>
<b>Long Island &amp; Westchester</b>	<b>\$15.00</b>
<b>Remainder of the State</b>	<b>\$13.20</b>
<b>Fast Food (NYC only)</b>	<b>\$15.00</b>
<b>Fast Food (Rest of the State)</b>	<b>\$15.00</b>

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# Building Service Industry

## 12/31/2021

	NYC Large	NYC Small	Long Island & Westchester	Remainder of the State
Janitor Weekly Minimum	\$638.00	\$638.00	\$638.00	\$561.40
Janitor Rate per Unit	\$10.00	\$10.00	\$10.00	\$8.80
Other Employees per Hour	\$15.00	\$15.00	\$15.00	\$13.20

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# What if Employees Receive Tips?

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# Cash Wage Rates Per Hour – Tipped Workers

## 12/31/2021

Industry	NYC Large	NYC Small	Long Island and Westchester	Remainder of the State
Hospitality Food Service	\$10.00	\$10.00	\$10.00	\$8.80
Hospitality Service	\$12.50	\$12.50	\$12.50	\$11.00
Miscellaneous Industries - Service (high rate or low tips)*	\$15.00	\$15.00	\$15.00	\$13.20
Miscellaneous Industries – Service (low rate or high tips)*	\$15.00	\$15.00	\$15.00	\$13.20

**The cash wage is 2/3 of the Minimum Wage**

**\*As of 12/31/2020, an employer cannot take any tip credit and must pay the full applicable minimum wage rate.**


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# Tipped Workers in the Miscellaneous Industries

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# Tipped Employees – Miscellaneous Industries

As of 12/31/2020, an employer in the Miscellaneous Industries cannot take any tip credit and must pay the full applicable minimum wage rate. There is no more “cash wage” rate for Miscellaneous Industry employees.



# Tipped Workers in the Hospitality Industry

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# Tipped Employees – Hospitality Industry

## 12/31/2021

	NYC Large	NYC Small	Long Island & Westchester	Remainder of the State
Food Service Worker	\$15.00	\$15.00	\$15.00	\$13.20
Employer Credit	\$5.00	\$5.00	\$5.00	\$4.40
Employer Pays	\$10.00	\$10.00	\$10.00	\$8.80
Service Employee	\$15.00	\$15.00	\$15.00	\$13.20
Employer Credit	\$2.50	\$2.50	\$2.50	\$2.20
Employer Pays	\$12.50	\$12.50	\$12.50	\$11.00

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# How Does the Minimum Wage Affect Overtime Rate of Pay?

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# What is the Overtime Rate? 12/31/2021

<b>NYC Large</b>	<b>\$15.00 x 1.5 =</b>	<b>\$22.50</b>
<b>NYC Small</b>	<b>\$15.00 x 1.5 =</b>	<b>\$22.50</b>
<b>Long Island &amp; Westchester</b>	<b>\$15.00 x 1.5 =</b>	<b>\$22.50</b>
<b>Remainder of the State</b>	<b>\$13.20 x 1.5 =</b>	<b>\$19.80</b>
<b>Fast Food (NYC only)</b>	<b>\$15.00 x 1.5 =</b>	<b>\$22.50</b>
<b>Fast Food (Rest of the State)</b>	<b>\$15.00 x 1.5 =</b>	<b>\$22.50</b>



# Overtime: Administrative and Executive Employees (All Industries) 12/31/2021

## Overtime Exemption Weekly Minimum Salary Threshold

NYC Large	NYC Small	Long Island & Westchester	Remainder of the State
\$1,125.00	\$1,125.00	\$1,125.00	\$990.00



# Businesses Must:

- Pay at least the **minimum wage** for every hour worked
- Keep **accurate** time and payroll records
- Provide employees with **pay notices** and **wage statements**
- Pay **additional wages** if employees don't earn enough in tips each week
- Pay **overtime** to all eligible employees
- Not **retaliate** against employees who make a complaint

## Department of Labor

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# Minimum Wage

## NEW YORK'S MINIMUM WAGE

### Overview

The Minimum Wage Act ([Article 19 of the New York State Labor Law](#)) requires that all employees in New York State receive at least the applicable hourly Minimum Wage rate. This includes domestic workers and employees in the Nail Salon Industry.

The Minimum Wage rates are scheduled to increase each year on 12/31 until they reach \$15.00 per hour.

#### General Minimum Wage Rate Schedule

Location	12/31/16	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21*
NYC - Large Employers (of 11 or more)	\$11.00	\$13.00	\$15.00			
NYC - Small Employers (10 or less)	\$10.50	\$12.00	\$13.50	\$15.00		
Long Island & Westchester	\$10.00	\$11.00	\$12.00	\$13.00	\$14.00	\$15.00
Remainder of New York State	\$9.70	\$10.40	\$11.10	\$11.80	\$12.50	\$13.20*

*\*Annual increases for the rest of the state will continue until the rate reaches \$15 minimum wage (and \$10 tipped wage). Starting 2021, the annual increases will be published by the Commissioner of Labor on or before October 1. They will be based on percentage increases determined by the Director of the Division of Budget, based on economic indices, including the Consumer Price Index.*

On September 22, 2021, the NYS Division of the Budget issued its report on minimum wage rates scheduled to take effect on December 31, 2021. Read the [NYS Division of the Budget Report](#), the [Order of the Commissioner of Labor](#), and the [Proposed Regulatory Text](#).



## Wage Orders

Wage Order regulations set certain requirements that are industry-specific and may differ from the general rate.

**OVERVIEW**



**HOSPITALITY INDUSTRY/FAST FOOD WORKERS**



**FARM WORKERS**



**▶ LEARN ABOUT WAGE ORDERS**



## Minimum Wage for Tipped Workers

Minimum wage laws operate differently for regularly tipped employees.

**OVERVIEW**



**COMBINING CASH WAGES AND TIPS**



**LIMITATIONS IN HOSPITALITY INDUSTRY**



**▶ ARE YOU A TIPPED WORKER?**



## Nail Salon Industry

In May 2015, former Governor Cuomo announced a multi-pronged effort to reform the nail salon industry in NYS.

**OVERVIEW**



**PROPER WAGES**



**BILL OF RIGHTS FOR NAIL WORKERS**



**▶ LEARN ABOUT THE NAIL SALON INDUSTRY**

### FACT SHEETS & POSTERS

## For Industry Workers & Employers

**Fact Sheet - General Minimum Wage (P700)**

*English, Chinese, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Yiddish*



## MINIMUM WAGE

# Frequently Asked Questions

Search:


Question	Answer
<b>Are there different minimum wage rates in different parts of the State?</b>	Yes, until the minimum wage reaches \$15.00, different minimum wage rates will be in effect in the following areas of the state: (1) New York City, (2) Westchester County and Long Island, (3) the remainder of New York State.
<b>When will New York State's minimum wage reach \$15 per hour?</b>	<p>The minimum wage will be phased in to reach \$15.00 for the following groups on the dates set forth below.</p> <p><b>Group 1:</b> New York City Large Employers (employees who work in New York City for Fast Food Establishments and employers of 11 or more employees) – New York City Large Employers will reach \$15 on December 31, 2018;</p> <p><b>Group 2:</b> New York City all others – All other employees who work in New York City will reach \$15 on December 31, 2019;</p> <p><b>Group 3:</b> All other Fast Food – On July 1, 2021, for all other Fast Food Workers throughout the state;</p> <p><b>Group 4:</b> Downstate - On December 31, 2021, for all employees in Westchester, Nassau and Suffolk counties;</p> <p><b>Group 5:</b> All others – Employees who work in the balance of the State (outside of New York City or Nassau, Suffolk and Westchester counties, other than Fast Food Workers) will reach \$12.50 per hour on December 31, 2020. On December 31 of each year, starting in 2021, the minimum wage for Group 5 will be increased at rates to be determined annually until the minimum wage reaches \$15.00 per hour.</p>
<b>Does the minimum wage rate depend on where a business is located, or where employees work?</b>	The minimum wage is based on where an employee performs work. Workers must be paid the minimum wage rate for their work location regardless of where the main office of their employer is located.
<b>Does the minimum wage depend on the size of a business?</b>	In <b>New York City only</b> , until December 31, 2019, there are two minimum wage rates that depend on the size of a business: one for a Small Employer, and one for a Large Employer.
<b>For the purpose of the minimum wage and Fast Food minimum wage, what areas are included in</b>	Bronx, Queens, Richmond, Kings and New York counties are included in New York City.



## Department of Labor

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### Minimum Wage Lookup

 Translate



This is a tool to help you determine the minimum cash wage to be paid to you by your employer. Several factors can affect your minimum wage, including the date, the location of your employment, and any tips you receive.

While this tool does account for common scenarios, there are additional aspects of minimum wage law not covered by this tool. These aspects may result in further adjustments to your pay.

Select Date Range

Select One ▾

Next ▶

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# Minimum Wage Information

[www.labor.ny.gov/minimumwage](http://www.labor.ny.gov/minimumwage)

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# Contact Information & To File a Complaint

Email: [info.nysdol@labor.ny.gov](mailto:info.nysdol@labor.ny.gov)

Phone: (888) 4-NYSDOL (888-469-7365)  
711 for TTY/TTD

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