

# WE ARE YOUR DOL



## MINIMUM WAGE FOR TIPPED WORKERS December 31, 2022 through December 30, 2023

From December 31, 2022 through December 30, 2023, the minimum hourly rates that employers must pay to tipped workers are shown below.

HOSPITALITY INDUSTRY			
	New York City	Long Island and Westchester County	Remainder of New York State
<b>Service Employees</b>	\$12.50 Cash Wage	\$12.50 Cash Wage	\$11.85 Cash Wage
	\$2.50 Tip Credit	\$2.50 Tip Credit	\$2.35 Tip Credit
<b>Food Service Workers</b>	\$10.00 Cash Wage	\$10.00 Cash Wage	\$9.45 Cash Wage
	\$5.00 Tip Credit	\$5.00 Tip Credit	\$4.75 Tip Credit

\*For more info about minimum wage standards in these and other industries: <https://dol.ny.gov/minimum-wage-0>

### COMBINING CASH WAGES AND TIP CREDITS TO SATISFY THE MINIMUM WAGE

New York State law allows employers in all industries other than building service to satisfy the minimum wage by combining a “cash wage” paid by the employer with a credit or allowance for tips that the employee receives from customers. For example, the minimum wage for food service workers in New York City is \$15.00 per hour. Their employers can satisfy the minimum wage by combining a cash wage of at least \$10.00 with a tip allowance of no more than \$5.00 per hour.

### LIMITATIONS ON TIP CREDITS IN THE HOSPITALITY INDUSTRY

Employers in the hospitality industry may not take tip credits for:

- Days when tipped workers spend more than two hours, or twenty percent of a shift, doing non-tipped work
- Weeks when service employees receive tips averaging less per hour than the following:

AVERAGE TIPS PER HOUR			
	New York City	Long Island and Westchester County	Remainder of New York State
<b>In resort hotels</b>	\$8.40	\$8.40	\$7.95
<b>In restaurants and all-year hotels</b>	\$3.25	\$3.25	\$3.05

## LIMITATIONS ON TIP CREDITS IN OTHER INDUSTRIES

No tip credit is available in the building service Industry.

The tip credit is not available when weekly tips average less than the minimum amount specified for the location and size of employer.

**Please Note: As of December 31, 2020, tip allowances are not permitted in miscellaneous industries (all other industries except hospitality, farmworkers, and building service). Employers are not permitted to keep or retain any portion of a tip that an employee receives.**

## OVERTIME

For tipped workers, employers must pay overtime hours worked at time-and-one-half the minimum wage rate, less the applicable tip credit.

## FOR MORE INFORMATION

If you need additional assistance, or want to file a complaint, please call **1-888-4NYSDOL (1-888-469-7365)** or visit [www.labor.ny.gov/minimumwage](http://www.labor.ny.gov/minimumwage).