

New York State Minimum Wage

The New York State minimum wage is \$7.25 per hour as of July 24, 2009. If the federal government raises the minimum wage above that, the state rate will increase to match it. Private sector employees in the state, including domestic workers (with certain specified exceptions), must receive this wage.

The basic rate may be modified by certain requirements set under regulations known as “wage orders.” These provisions of the minimum wage law cover jobs in the restaurant, hotel and building service industry, and miscellaneous industries and occupations. They set an hourly rate plus overtime and allowances in four General Industry Wage Orders, based on meals and lodging supplied by an employer. Some industries make allowances for tips, thus they set a lower hourly rate.

For example, food service workers may earn \$4.65 per hour because their total compensation includes expected tips. When required uniforms are maintained by the worker, certain allowances also apply. Service workers in miscellaneous industries who can expect to receive tips have a minimum rate of \$5.50 per hour.

Employees who perform piecework should be paid at a rate that brings them to at least the minimum wage. In all cases, the total compensation for time worked (wages plus tips) must equal at least the minimum wage.

A standard work week is 40 hours. Any hours worked beyond that must be paid at 1½ times the regular wage.

The Department of Labor helps collect underpayments for workers who have not received the minimum wage. Employers that violate the Minimum Wage Law are subject to criminal prosecution and penalties. Action may also be taken in civil court.

If a business does not comply with the law, the Commissioner of Labor may require the employer to pay interest and civil penalties, in addition to minimum wage underpayments. The civil penalties for these violations can total up to 200 percent of the amount of the missing wages, depending on the severity of the violation and other factors. They also must pay 16% interest on the unpaid wages.

Employers must display a Minimum Wage information poster conspicuously in their establishment.

Employers with questions or concerns about meeting the requirements of the Minimum Wage Law can contact the Labor Department at 1-888-4-NYSDOL for assistance, between 8 a.m. and 5 p.m.

Minimum Wage - \$7.25/hour

Penalty for Noncompliance:

*Payment of up to 200% of unpaid wages
and 16% interest on unpaid wages.*

PROTECT *all Workers*

ASSIST *the Unemployed*

CONNECT *Employers and Workers*

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.