

Client Alert

Statutory Changes and Updates for New York Employers in the New Year

January 8, 2016 –All New York employers should be reminded of the new employment laws that have gone into effect as of the beginning of the year. Employers, among other things, should ensure that their management personnel as well as their payroll providers and benefits administrators are properly informed and that their policy manuals and HR policies and procedures have been updated accordingly.

Increases to the Minimum Wage Rate in New York:

- The minimum wage in New York is now \$9.00 per hour. The corresponding overtime rate for non-exempt employees is \$13.50 per hour.
- The minimum wage for fast food workers in New York City is now \$10.50 per hour and \$9.75 per hour elsewhere in the state.
- For employers in the Hospitality Industry, the maximum tip credit employers are permitted to take has been reduced to \$1.50 per hour. Accordingly, the minimum cash wage rate for any tipped employee is now \$7.50 per hour. The corresponding overtime rate for any such tipped employee is \$12.00 per hour.

The Women's Equality Act:

As discussed in our prior Client Alert ([available here](#)), the Women's Equality Agenda ("WEA") goes into effect on January 19, 2016. The WEA is intended to eliminate gender disparity and achieve equal pay for equal work. Among other things, the WEA permits employees to openly discuss their wages with each other without fear of discipline or discharge. The WEA also expands the protections under the New York State Human Rights Law ("NYSHRL") by permitting all employees in the state to bring claims of sexual harassment regardless of the size of the employer.

It is important to recognize that Employers with fewer than four employees, which previously had been excluded from coverage under the NYSHRL, are now responsible for complying with all facets of the NYSHRL as it relates to claims of sexual harassment.

New York City Commuter Benefits Law:

All employers in New York City with twenty or more full-time employees must provide their full-time employees with the opportunity to use pre-tax income to purchase qualified transportation fringe benefits. Although this law went into effect on January 1, 2016, the Department of Consumer Affairs (the agency charged with enforcing this law), will not seek to enforce penalties for failure to comply with the new law until after July 1, 2016.

If you require any additional information about these new employment laws, or any other employment-related issue, please contact:

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