

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

DECEMBER 16, 2021

The New York Minimum Salary Level to Qualify for the Executive and Administrative Exemptions Will Increase

Ever since the New York State Department of Labor (NYSDOL) announced an increase in the minimum wage from \$12.50 per hour to \$13.20 per hour in areas outside of New York City, Nassau, Suffolk and Westchester counties effective Dec. 31, 2021, we have been expecting a proportionate increase in the minimum weekly salary to qualify for the executive and administrative exemptions. For the last few years, the minimum weekly salary to qualify for the executive and administrative exemptions has been 75 times the minimum hourly wage. The NYSDOL has confirmed that this proportionate increase will occur effective on Dec. 31, 2021.

The following question and answer are included on the [minimum wage FAQ page](#):

Will the minimum weekly salary for overtime exempt administrative and executive employees increase on Dec. 31, 2021?

Yes. Each time the New York State minimum wage increases, the state's minimum salary required for executive and administrative employees will increase proportionately. On Dec. 31, 2021, the state minimum weekly salary for administrative and executive employees will range from \$990.00 per week for employees in New York State, to \$1,125.00 per week for employees who work in Nassau, Suffolk and Westchester counties and in New York City for any size employer and Fast Food Establishments.

So, effective on Dec. 31, 2021, the minimum weekly salary to qualify for the executive and administrative exemptions in areas outside of New York City, Nassau, Suffolk and Westchester counties will be \$990.00 per week. The minimum weekly salary to qualify for the executive and administrative exemptions in New York City, Nassau, Suffolk and Westchester counties will be \$1,125.00 per week. There is no minimum weekly salary under New York law to qualify for the professional exemption. However, with a few exceptions (such as for teachers, doctors and lawyers), employers still must comply with the federal minimum weekly salary of \$684.00 in order to classify employees as exempt under the professional exemption.

If you have any questions about the information presented in this memo, please contact [Subhash Viswanathan](#), any attorney in our [Labor and Employment practice](#) or the attorney at the firm with whom you are regularly in contact.

