

Reminder: New York Minimum Wage Rates and Salary Thresholds for the Executive and Administrative Exemptions Will Increase on December 31, 2017

Although the minimum wage rate under the Fair Labor Standards Act remains \$7.25 per hour and the U.S. Department of Labor's efforts to raise the minimum salary to qualify for a white-collar exemption under federal law have stalled, employers in New York should be aware that the state minimum wage rate and the state salary threshold to qualify for the executive and administrative exemptions will increase effective December 31, 2017.

The increases to the state minimum wage effective December 31, 2017, are as follows:

- Employers outside of New York City, Nassau, Suffolk, and Westchester counties: \$10.40 per hour
- Employers in Nassau, Suffolk, and Westchester counties: \$11.00 per hour
- Employers in New York City with 10 or fewer employees: \$12.00 per hour
- Employers in New York City with 11 or more employees: \$13.00 per hour

Fast food employees will be entitled to an even higher wage rate effective December 31, 2017, as follows:

- Fast food employees outside of New York City: \$11.75 per hour
- Fast food employees in New York City: \$13.50 per hour

The salary threshold to qualify for the executive and administrative exemptions effective December 31, 2017, are as follows:

- Employers outside of New York City, Nassau, Suffolk, and Westchester counties: \$780.00 per week
- Employers in Nassau, Suffolk, and Westchester counties: \$825.00 per week
- Employers in New York City with 10 or fewer employees: \$900.00 per week
- Employers in New York City with 11 or more employees: \$975.00 per week

New York does not set a salary threshold to qualify for the professional exemption, so employees must meet the current federal salary threshold of \$455.00 per week to qualify for the professional exemption. For all of the white-collar exemptions, employees must also meet the applicable duties requirements.

A chart summarizing the minimum wage rates, tip credits, uniform maintenance allowances, meal and lodging credits, and exempt salary thresholds under the Miscellaneous Industries Wage Order can be found [here](#). A chart summarizing this same information under the Hospitality Industry Wage Order can be found [here](#).

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



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