

Reminder: New York Minimum Wage Rates and Salary Thresholds for the Executive and Administrative Exemptions Will Increase on December 31, 2019

Employers in New York will be required to comply with the new state minimum wage rates and the new state salary thresholds to qualify for the executive and administrative exemptions, effective December 31, 2019.

The New York minimum wage is scheduled to increase effective December 31, 2019, as follows:

- Employers outside of New York City, Nassau, Suffolk, and Westchester counties: \$11.80 per hour (increase of \$0.70 per hour)
- Employers in Nassau, Suffolk, and Westchester counties: \$13.00 per hour (increase of \$1.00 per hour)
- Employers in New York City: \$15.00 per hour (increase of \$1.50 per hour for employers with 10 or fewer employees and no increase for employers with 11 or more employees)

Fast food employees will be entitled to an even higher minimum wage rate effective December 31, 2019, as follows:

- Fast food employees outside of New York City: \$13.75 per hour (increase of \$1.00 per hour)
- Fast food employees in New York City: \$15.00 per hour (no increase)
- Employers in New York should keep in mind that any hours worked by non-exempt employees on New Year's Eve must be paid at the new minimum wage rates. It is not sufficient to put these new rates into effect beginning on New Year's Day.

The salary threshold to qualify for the executive and administrative exemptions effective December 31, 2019, will also increase as follows:

- Employers outside of New York City, Nassau, Suffolk, and Westchester counties: \$885.00 per week (increase of \$53.00 per week)
- Employers in Nassau, Suffolk, and Westchester counties: \$975.00 per week (increase of \$75.00 per week)
- Employers in New York City: \$1,125.00 per week (increase of \$112.50 per week for employers with 10 or fewer employees and no increase for employers with 11 or more employees)

New York's salary threshold for the executive and administrative exemptions is "inclusive of board, lodging, or other allowances and facilities." The [new federal salary threshold of \\$684.00 per week](#) to qualify for the white-collar exemptions must be "exclusive of board, lodging, or other facilities." New York does not set a salary threshold to qualify for the professional exemption, but beginning on January 1, 2020, employees must meet the [new federal salary threshold of \\$684.00 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 the 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.



Bond has prepared this communication to present only general information. This is not intended as legal advice, nor should you consider it as such. You should not act, or decline to act, based upon the contents. While we try to make sure that the information is complete and accurate, laws can change quickly. You should always formally engage a lawyer of your choosing before taking actions which have legal consequences. For information about our firm, practice areas and attorneys, visit our website, www.bsk.com. • Attorney Advertising • © 2019 Bond, Schoeneck & King PLLC

CONNECT WITH US ON LINKEDIN: [SEARCH FOR BOND, SCHOENECK & KING, PLLC](#)

FOLLOW US ON TWITTER: [SEARCH FOR BONDLAWFIRM](#)