



# OFFICE OF POLICY, PROCEDURES, AND TRAINING

## POLICY BULLETIN #24-06-EMP (This Policy Bulletin Replaces PB #16-97-EMP)

### INCREASE IN THE NEW YORK STATE MINIMUM WAGE AND ITS EFFECT ON CASH ASSISTANCE AND THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

Date: February 8, 2024	Subtopic(s): Minimum Wage
	<p>The purpose of this policy bulletin is to inform all staff of the increase in the New York State (NYS) minimum wage and its impact on the maximum number of hours that Cash Assistance (CA) and/or Supplemental Nutrition Assistance Program (SNAP) participants may be assigned to certain work activities.</p> <p>The NYS minimum wage will vary by region.</p> <p>Effective January 1, 2024, the NYS minimum wage increased to \$16.00 per hour for workers employed in NYC, and the counties of Nassau, Suffolk, and Westchester.</p> <p>Effective January 1, 2024, the NYS minimum wage increased to \$15.00 per hour for workers employed in the rest of New York State.</p> <p><u>Impact on CA and SNAP work requirements</u></p> <p>Since the NYS minimum wage is greater than the federal minimum wage of \$7.25 per hour, the NYS minimum wage will be used in the calculation of the maximum number of hours a participant may be assigned to certain work or community service activities.</p> <p>As directed by the New York State Office of Temporary and Disability Assistance (OTDA), the minimum wage that applies to workers employed in NYC will be used in the calculation.</p> <p><b>Note:</b> This does not apply to the eligibility requirements to receive Child Care in Lieu of Cash Assistance (CILOCA). CILOCA eligibility will be based on the appropriate minimum wage as determined by the employer work location.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
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send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

The maximum number of monthly hours that an individual may be required to participate in certain work or community service activities is calculated by dividing the sum of the household's monthly CA grant and SNAP grant by the minimum wage. The resulting monthly hours are divided by 4.333 to determine the maximum number of weekly hours. The maximum number of hours is rounded down to the nearest whole number.

Information Technology Systems (ITS) has adjusted the maximum hour calculation in Self-Sufficiency, Employment, Assessment and Management System (SEAMS) for certain work activities, to reflect the \$16.00 hourly minimum wage effective January 1, 2024. Manual calculation of maximum allowable hours is only required if SEAMS is not available.

#### Able Bodied Without Dependents (ABAWD)

Individuals who are subject to the Able Bodied Without Dependents (ABAWD) eligibility rules can meet their monthly ABAWD work requirements by participating in certain work or community service activities for the number of hours equal to their monthly SNAP grant divided by the number of adults in the SNAP household and then divided by the higher of the federal or NYS minimum wage. The NYS minimum wage is used in this calculation because it is higher than the federal minimum wage. The resulting monthly hours are rounded down to the nearest whole number. **Note:** For ABAWDs who are also in receipt of CA benefits, only the SNAP grant is used in the ABAWD hours calculation.

ITS has adjusted the calculation performed in SEAMS for NCA SNAP ABAWDs to reflect the \$16.00 hourly minimum wage effective January 1, 2024.

The examples below illustrate the decrease in the number of monthly hours that an ABAWD would need to participate in certain work and community service activities in order to meet the ABAWD work requirements.

#### **Example 1:**

SNAP household of one individual that receives a monthly SNAP grant of \$291.00.

\$291.00 divided by \$15.00 (prior minimum wage) = 19 monthly hours.  
\$291.00 divided by \$16.00 (current minimum wage) = 18 monthly hours.

**Example 2:**

SNAP household of two individuals that receive a monthly SNAP grant of \$535.

\$535 divided by 2 individuals divided by \$15.00 (prior minimum wage) = 17 monthly hours.

\$535 divided by 2 individuals divided by \$16.00 (current minimum wage) = 16 monthly hours.

The increase in the NYS minimum wage has no impact on the exemption from SNAP work requirements for receiving weekly earnings of at least 30 times the federal minimum wage because the federal minimum wage is remaining at \$7.25 per hour. The federal minimum wage is used to determine exemptions from SNAP work requirements.

For additional information on the NYS minimum wage increase, see **Attachment A**.

*Effective January 1, 2024.*

**Attachment:**

**Attachment A**      We Are Your DOL New York State's Minimum Wage

**References:**

23-INF-07  
 SSL 336-c (2)(b)  
 12 NYCRR 141-1.3  
 18 NYCRR 385.9 (a)(4), (d)(3)  
 2024-25 NYC TA & SNAP Employment Plan, page 9

**Related Items:**

[PD #17-18-ELI](#)      Able-Bodied Adults Without Dependents (ABAWD)  
[PB #09-86-OPE](#)      Increase in the Federal Minimum Wage  
[PB #23-55-ELI](#)      Wavier of the ABAWD Time Limits  
[HRA-PB #2023-034](#)      Implementation of the Self-Sufficiency, Employment, Assessment, and Management System (SEAMS)

Attachment A

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**Department  
of Labor**

**NEW YORK STATE'S MINIMUM WAGE**

**Next Scheduled Increase Effective January 1, 2024**

# The Minimum Wage....

- will continue to increase in stages, as shown here:

	01/01/2024	01/01/2025	01/01/2026
<b>NYC (All) and Nassau, Suffolk, Westchester Counties</b>	<b>\$16.00</b>	<b>\$16.50</b>	<b>\$17.00</b>
<b>Remainder of New York State</b>	<b>\$15.00</b>	<b>\$15.50</b>	<b>\$16.00</b>

## What was the Schedule of Increases? (Historical Reference)

Increases occurred on December 31 each year:

New York City Large (11 or more)	<b>\$2.00</b> per year until <b>2018</b>
New York City Small (10 or less)	<b>\$1.50</b> per year until <b>2019</b>
Westchester, Nassau & Suffolk	<b>\$1.00</b> per year until <b>2021</b>
• Remainder of the State	<b>\$1.00</b> per year until <b>\$14.20</b> in <b>2022</b>

## What was the Schedule of Increases? (Historical Reference)

Fast Food increases also occurred on December 31 each year:

- New York City **\$1.50** per year until **2018**
- Rest of the State **\$1.00** per year until **2019**  
**\$0.75** in **2020** and **\$0.50** on **7/1/21**

Attachment A

# Rates of Pay

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# Work Location

The Minimum Wage rate is based on where an employee **performs work**, NOT on the office location.

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Attachment A

# What Are the Newest Rates?

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# Minimum Wage Rates

## 01/01/2024

<b>NYC Large</b>	<b>\$16.00</b>
<b>NYC Small</b>	<b>\$16.00</b>
<b>Long Island &amp; Westchester</b>	<b>\$16.00</b>
<b>Remainder of the State</b>	<b>\$15.00</b>
<b>Fast Food (NYC, LI &amp; Westchester)</b>	<b>\$16.00</b>
<b>Fast Food (Rest of the State)</b>	<b>\$15.00</b>

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# Building Service Industry

## 01/01/2024

	NYC Large	NYC Small	Long Island & Westchester	Remainder of the State
Janitor Weekly Minimum	\$680.55	\$680.55	\$680.55	\$637.50
Janitor Rate per Unit	\$10.65	\$10.65	\$10.65	\$10.00
Other Employees per Hour	\$16.00	\$16.00	\$16.00	\$15.00

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Attachment A

# What if Employees Receive Tips?

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# Cash Wage Rates Per Hour – Tipped Workers

## 01/01/2024

Industry	NYC Large	NYC Small	Long Island and Westchester	Remainder of the State
Hospitality Food Service	\$10.65	\$10.65	\$10.65	\$10.00
Hospitality Service	\$13.35	\$13.35	\$13.35	\$12.50
Miscellaneous Industries - Service (high rate or low tips)*	\$16.00	\$16.00	\$16.00	\$15.00
Miscellaneous Industries – Service (low rate or high tips)*	\$16.00	\$16.00	\$16.00	\$15.00

The cash wage is approximately 2/3 of the Minimum Wage.

\*As of 12/31/2020, an employer cannot take any tip credit and must pay the full applicable minimum wage rate.

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Attachment A

# Tipped Workers in the Miscellaneous Industries

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## **Tipped Employees – Miscellaneous Industries**

As of 12/31/2020, an employer in the Miscellaneous Industries cannot take any tip credit and must pay the full applicable minimum wage rate. There is no more “cash wage” rate for Miscellaneous Industry employees.

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Attachment A

# Tipped Workers in the Hospitality Industry

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# Tipped Employees – Hospitality Industry

## 01/01/2024

	NYC Large	NYC Small	Long Island & Westchester	Remainder of the State
Food Service Worker	\$16.00	\$16.00	\$16.00	\$15.00
Employer Credit	\$5.35	\$5.35	\$5.35	\$10.00
Employer Pays	\$10.65	\$10.65	\$10.65	\$5.00
Service Employee	\$16.00	\$16.00	\$16.00	\$15.00
Employer Credit	\$2.65	\$2.65	\$2.65	\$2.50
Employer Pays	\$13.35	\$13.35	\$13.35	\$12.50

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Attachment A

# How Does the Minimum Wage Affect Overtime Rate of Pay?

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# What is the Overtime Rate? 01/01/2024

<b>NYC Large</b>	<b>\$16.00 x 1.5 =</b>	<b>\$24.00</b>
<b>NYC Small</b>	<b>\$16.00 x 1.5 =</b>	<b>\$24.00</b>
<b>Long Island &amp; Westchester</b>	<b>\$16.00 x 1.5 =</b>	<b>\$24.00</b>
<b>Remainder of the State</b>	<b>\$15.00 x 1.5 =</b>	<b>\$22.50</b>
<b>Fast Food (NYC, LI &amp; Westchester)</b>	<b>\$16.00 x 1.5 =</b>	<b>\$24.00</b>
<b>Fast Food (Rest of the State)</b>	<b>\$15.00 x 1.5 =</b>	<b>\$22.50</b>

# Overtime: Administrative and Executive Employees (All Industries) 01/01/2024

## Overtime Exemption Weekly Minimum Salary Threshold

NYC Large	NYC Small	Long Island & Westchester	Remainder of the State
\$1,200.00	\$1,200.00	\$1,200.00	\$1,124.20

## Businesses Must:

- Pay at least the **minimum wage** for every hour worked
- Keep **accurate** time and payroll records
- Provide employees with **pay notices** and **wage statements**
- Pay **additional wages** if employees don't earn enough in tips each week
- Pay **overtime** to all eligible employees
- Not **retaliate** against employees who make a complaint

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# Minimum Wage

## NEW YORK'S MINIMUM WAGE

### Overview

All New York workers are entitled to receive at least an hourly Minimum Wage rate. This includes fast food workers, nail salon workers, tipped workers, and more. We also offer free educational seminars to employers doing business in New York State.

The Minimum Wage rate varies depending on your region, and is increasing every year until it reaches \$15.00. To find out what wage you should be earning, use our [Minimum Wage Lookup Tool](#), or refer to the following Minimum Wage Rate Schedule:

Minimum Wage Rate Schedule				
Location	Minimum Wage as of 12/31/2021*, ***	Minimum Wage as of 12/31/2022*, ***	Tipped Service Employees**	Tipped Food Service Workers**
New York City	\$15.00	\$15.00	\$12.50 Cash Wage \$2.50 Tip Credit	\$10.00 Cash Wage \$5.00 Tip Credit
Long Island & Westchester	\$15.00	\$15.00	\$12.50 Cash Wage \$2.50 Tip Credit	\$10.00 Cash Wage \$5.00 Tip Credit
Remainder of New York State	\$13.20*	\$14.20*	<u>As of 12/31/2021</u>	<u>As of 12/31/2021</u>
			\$11.00 Cash Wage \$2.20 Tip Credit	\$8.80 Cash Wage \$4.40 Tip Credit
			<u>As of 12/31/2022</u>	<u>As of 12/31/2022</u>
			\$11.85 Cash Wage \$2.35 Tip Credit	\$9.45 Cash Wage \$4.75 Tip Credit

\*Annual increases for the rest of the state will continue until the rate reaches \$15 minimum wage (and \$10 tipped wage). Starting 2021, the annual increases will be published by the Commissioner of Labor on or before October 1. They will be based on percentage increases determined by the Director of the Division of Budget, based on economic indices, including the Consumer Price Index.

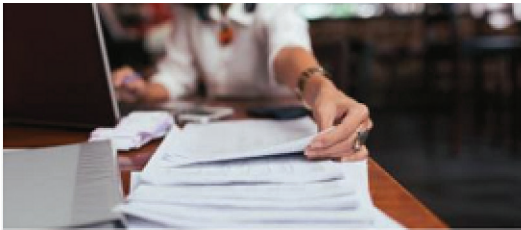
\*\*Only hospitality employers are allowed to take credit from minimum wage.

\*\*\*Effective 10/1/2022, the minimum wage for home care aides as defined in Public Health Law § 3614-c increased by \$2 per hour above the basic minimum hourly rate.

On September 22, 2022, the NYS Division of the Budget issued its report on minimum wage rates scheduled to take effect on December 31, 2022. Read the [NYS Division of the Budget Report](#), the [Order of the Commissioner of Labor](#), and the [Proposed Regulatory Text](#).

See the [History of the Minimum Wage in New York State](#) web page for minimum wage rates in previous years.





### Wage Orders

Wage Order regulations set certain requirements that are industry-specific and may differ from the general rate.

- [OVERVIEW](#) ▶
- [HOSPITALITY INDUSTRY/FAST FOOD WORKERS](#) ▶
- [FARM WORKERS](#) ▶

▶ [LEARN ABOUT WAGE ORDERS](#)



### Minimum Wage for Tipped Workers

Minimum wage laws operate differently for regularly tipped employees.

- [OVERVIEW](#) ▶
- [COMBINING CASH WAGES AND TIPS](#) ▶
- [LIMITATIONS IN HOSPITALITY INDUSTRY](#) ▶

▶ [ARE YOU A TIPPED WORKER?](#)



### Nail Salon Industry

In May 2015, former Governor Cuomo announced a multi-pronged effort to reform the nail salon industry in NYS.

- [OVERVIEW](#) ▶
- [PROPER WAGES](#) ▶
- [BILL OF RIGHTS FOR NAIL WORKERS](#) ▶

▶ [LEARN ABOUT THE NAIL SALON INDUSTRY](#)

## FACT SHEETS & POSTERS

# For Industry Workers & Employers

**Fact Sheet - General Minimum Wage (P700)**

*English, Chinese, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Yiddish*

Attachment A



MINIMUM WAGE

Attachment A

# Frequently Asked Questions


Search:

Question	Answer
<p><b>Are there different minimum wage rates in different parts of the State?</b></p>	<p>Yes, until the minimum wage reaches \$15.00, different minimum wage rates will be in effect in the following areas of the state: (1) New York City, (2) Westchester County and Long Island, (3) the remainder of New York State.</p>
<p><b>When will New York State's minimum wage reach \$15 per hour?</b></p>	<p>The minimum wage will be phased in to reach \$15.00 for the following groups on the dates set forth below.</p> <p><b>Group 1:</b> New York City Large Employers (employees who work in New York City for Fast Food Establishments and employers of 11 or more employees) – New York City Large Employers will reach \$15 on December 31, 2018;</p> <p><b>Group 2:</b> New York City all others – All other employees who work in New York City will reach \$15 on December 31, 2019;</p> <p><b>Group 3:</b> All other Fast Food – On July 1, 2021, for all other Fast Food Workers throughout the state;</p> <p><b>Group 4:</b> Downstate - On December 31, 2021, for all employees in Westchester, Nassau and Suffolk counties;</p> <p><b>Group 5:</b> All others – Employees who work in the balance of the State (outside of New York City or Nassau, Suffolk and Westchester counties, other than Fast Food Workers) will reach \$13.20 per hour on December 31, 2021.</p> <p>Employees who work in the balance of the State (outside of New York City or Nassau, Suffolk and Westchester counties, other than Fast Food Workers) will reach \$14.20 per hour on December 31, 2022.</p> <p>On December 31 of each year, starting in 2021, the minimum wage for Group 5 will be increased at rates to be determined annually until the minimum wage reaches \$15.00 per hour.</p>
<p><b>What is the current minimum wage for home health aides?</b></p>	<p>In accordance with Public Health Law section 3614-f, effective October 1, 2022, the minimum wage for home health aides increased by \$2 from the basic minimum hourly rates set forth in the miscellaneous wage order. The minimum wage for health care aides effective October 1, 2022, is \$17.00 per hour in New York City, Long Island and Westchester. And \$16.20 per hour for the remainder of New York State, effective December 31, 2022. This rate must be used to calculate other wage and hour requirements such as overtime and spread of hours.</p>
<p><b>Does the minimum wage rate depend on where a business is located, or where employees work?</b></p>	<p>The minimum wage is based on where an employee performs work. Workers must be paid the minimum wage rate for their work location regardless of where the main office of their employer is located.</p>
<p><b>Does the minimum wage depend on the size of a business?</b></p>	<p>In <b>New York City only</b>, until December 31, 2019, there are two minimum wage rates that depend on the size of a business: one for a Small Employer, and one for a Large Employer.</p>
<p><b>For the purpose of the minimum wage and Fast Food minimum wage, what areas are included in</b></p>	<p>Bronx, Queens, Richmond, Kings and New York counties are included in New York City.</p>

Department of Labor

Home > Calculators

Minimum Wage Lookup

 Translate



This is a tool to help you determine the minimum cash wage to be paid to you by your employer. Several factors can affect your minimum wage, including the date, the location of your employment, and any tips you receive.

While this tool does account for common scenarios, there are additional aspects of minimum wage law not covered by this tool. These aspects may result in further adjustments to your pay.

Select Date Range

Next 

Attachment A

# Minimum Wage Information

[www.labor.ny.gov/minimumwage](http://www.labor.ny.gov/minimumwage)

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# Contact Information & To File a Complaint

Email: [info.nysdol@labor.ny.gov](mailto:info.nysdol@labor.ny.gov)

Phone: (888) 4-NYSDOL (888-469-7365)  
711 for TTY/TTD

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