

---

# Empire State Restaurant & Tavern Association

*Report From The Executive Director...Scott Wexler*

## December 2017

Minimum Wage Hike Takes Effect December 31<sup>st</sup> - The minimum wage is increasing again as part of the multi-year plan enacted in 2016. Along with the minimum wage increasing the allowances, credits and minimum weekly salary for employees to be exempt from the state overtime rule also increase whenever the minimum wage goes up (by the same percentage) so they're increasing too.

In an attempt to make it easier for you to figure out what the rates are that apply to your business, we've enclosed a compilation of the rates, organized by region, for your reference. We've listed the cash wage for tips, the tip credit and the weekly salary for employees to qualify for the overtime rule exemption on the wage chart along with a brief explanation of key terms used. We've also listed the uniform maintenance allowances and meal credits.

The state's Wage Theft Prevention Act requires employers to provide their employees with a "Notice of Pay" form at the time of hire and upon a change in their rate of pay – including when the employees' pay changes as a result of a change in the law. As a result you must provide all of your employees who are affected by the increase in the minimum wage with a "Notice of Pay" form on or before December 31, 2017. This includes your tipped workers that are being paid the allowed cash wage, even if the cash wage isn't increasing, because the minimum wage (which your employees must earn when their cash wage and tips are combined) is going up.

In addition to providing employees with the Notice of Pay, New York employers must provide their employees with detailed paystubs that contain the following information:

- The dates of work covered by the paycheck
- The name of the employee
- The name, address and phone number of the employer
- The rates of pay (regular or overtime) and basis of pay (hourly, daily, weekly, salary, etc.)
- Gross wages
- A detailed listing of deductions
- A listing of any allowances claimed as part of the minimum wage
- Net wages

Paid Family Leave Law Takes Effect January 1<sup>st</sup> - New York's Paid Family Leave Law launches on January 1, 2018. The law provides a means by which employees can:

- bond with a newly born, adopted, or fostered child
- care for a family member with a serious health condition
- assist loved ones when a family member is deployed abroad on active military service

Paid family leave is provided to your employees through your disability insurance policy and can be fully funded by employee payroll contributions. Employees will apply for paid family leave benefits through your insurance carrier who will pay the benefits directly to your employees.

Eligibility in the paid family leave program is extended to "full-time employees" with a regular work schedule of 20 or more hours per week after 26 consecutive weeks of employment. "Part-time employees" with a regular work schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive.

More information is available at [ny.gov/paidfamilyleave](http://ny.gov/paidfamilyleave) or by calling 844-337-6303.

NYS Gaming Commission to Study Prevalence of Underage Gambling - The New York Gaming Commission is about to begin a year-long field assessment of how well casinos, racinos, race tracks and lottery outlets are fulfilling their legal responsibility to prevent underage gambling. Starting in mid-December and continuing through much of 2018, supervised minors working for an independent contractor hired by the Commission will enter gaming establishments to try to place bets, and retail stores to try to buy lottery tickets or participate in Quick Draw. If the minor succeeds, management will be notified on the spot, and the sale will be voided, but the establishment will not be penalized. If the sale is refused, management will not be notified.

The study is being undertaken by the Commission as a member of New York's Responsible Play Partnership along with the NYS Office of Alcohol and Substance Abuse Services and the New York Council on Problem Gambling. Lottery officials emphasize that this is not an enforcement initiative, but a "non-punitive, academic exercise" to provide a benchmark for future efforts to prevent underage gambling.

The private contractor - TruView of Hicksville, Long Island - will submit a report to the Gaming Commission in late 2018. The data will help the Commission make recommendations on what, if any, additional actions are needed to further deter underage access to in-state gambling options. The study coincides with the fifth anniversary of the Gaming Commission's "We Check ID" age verification program. Lottery retailers have deployed signage and provided training to their sales personnel on procedures for preventing underage sales.

Lottery agents will receive a letter from the Division of Lottery about the study with the December 29<sup>th</sup> POS package and your Lottery representative can also provide more details. Contact the State Association office if you have any questions about this study.

We're Moving - The Association offices will be relocating to 150 State Street in Albany over the Christmas – New Year's week. Our phone and email contact information remains the same. Please bear with us during the transition.