
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

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Minimum Wage Increases January 1st - The state's minimum wage will increase at the start of the new year once again. Under a plan adopted two years ago, the minimum wage is increasing to \$16.50 downstate and \$15.50 in the rest of the state. Also changing in the new year are the cash wages for foodservice service worker, service workers, and the credits employers can take for tips earned by their employees. The new wage rates effective January 1, 2025 are:

General minimum wage rates:	<i>Downstate*</i>	<i>Upstate**</i>
	\$16.50	\$15.50
Foodservice workers minimum wage rates:	<i>Downstate*</i>	<i>Upstate**</i>
	\$11.00	\$10.35
Service workers minimum wage rates:	<i>Downstate*</i>	<i>Upstate**</i>
	\$13.75	\$12.90

** Downstate includes New York City & Nassau, Suffolk, and Westchester Counties*

***Upstate includes the remainder of New York State*

In addition, increases in required uniform maintenance payments and meal credits also take effect January 1st.

Uniforms – An employer that does not maintain required uniforms for their employees is required to provide uniform maintenance pay based on the number of hours worked. Employees who work over 30 hours per week shall be paid the high rate, employees who work more than 20 hours but fewer than 30 hours shall be paid the medium rate and employees who work 20 hours or fewer shall be paid the low rate listed below:

**Downstate:* \$20.50 High, \$16.25 Medium, \$9.80 Low

***Upstate:* \$19.25 High, \$15.30 Medium, \$9.25 Low

** Downstate includes New York City & Nassau, Suffolk, and Westchester Counties*

***Upstate includes the remainder of New York State*

Meals – Meals furnished by an employer to an employee may be considered part of the wages and employers may take a credit at no more than the per meal amounts listed below at the food service rate for food service workers, the service rate for service employees, and the other rate for non-service employees:

**Downstate*: \$3.95 Food Service, \$4.60 Service, \$5.65 Other per meal

***Upstate*: \$3.95 Food Service, \$4.25 Service, \$5.35 Other per meal

* *Downstate includes New York City & Nassau, Suffolk, and Westchester Counties*

***Upstate includes the remainder of New York State*

You will need to post a new minimum wage poster with the updated wage information on or before January 1st. You can download copies of the new minimum wage notice and find more information on the Department of Labor's website.

New Laws Taking Effect in 2025 - There are several changes to the law, other than increasing the minimum wage, that will impact your business in the new year:

Paid Prenatal Care: All private-sector employers in New York State will be required to provide their employees with 20 hours of Paid Prenatal Leave each year starting January 1st. All private sector employees are entitled to Paid Prenatal Leave including those that work part-time or are overtime exempt. Pregnancy-related health care appointments include physical examinations, medical procedures, monitoring, testing, discussions with a health care provider needed to ensure a healthy pregnancy, end of pregnancy care, and fertility treatment. Only the employee directly receiving prenatal health care may use Paid Prenatal Leave (the employee must be the patient). A spouse, partner, or another support person attending prenatal appointments with a pregnant person is not entitled to Paid Prenatal Leave. Health care appointments after pregnancy are not covered by Paid Prenatal Leave.

Sanitary Inspection Reports: Foodservice establishments that are located in New York City and other municipalities that require the posting of sanitary inspection reports and accept online food orders will now be required to make their sanitary inspections available online. This law takes effect in March. This law also applies to online food ordering sites that are not operated by individual foodservice operators.

Food Donation and Organic Waste Disposal: The law currently requires food waste generators of two tons of food waste weekly to donate edible food and dispose of their food waste through organic waste haulers, provided there is one located within 50 miles. The new law reduces the minimum food waste generated each week to be covered by the law to one-half ton and reduces the minimum distance for the nearest organic waste hauler to 25 miles.

Black Market Restaurant Reservations: Third-party restaurant reservation services will be barred from arranging unauthorized reservations with food service establishments. The objective is to end the predatory practice in New York City and other locations of people making restaurant reservations for the purpose of reselling them, rather than using them to dine out.