

Wage & Hour Law Update

NYSDOL Issues Guidance on Fast Food Wage Order and Increased State Cash Minimum Wage For Hospitality Workers

By Noel P. Tripp on December 29, 2015

The New York State Department of Labor (NYSDOL) recently posted answers to Frequently Asked Questions related to the new Fast Food Wage Order and increased state minimum wage for hospitality workers, both of which take effect on December 31, 2015. As previously covered here, the state minimum wage in New York will increase to \$9.00 for all hospitality-based employees not covered by the Fast Food Wage Order. The maximum tip credit available for such workers will be reduced to \$1.50, from the current amount of \$3.75, requiring a minimum cash wage of \$7.50. Of note, the Fast Food Wage Order FAQ clarifies the NYSDOL's view that no tip credit is available for employees covered by the Order, including delivery employees.

The legality of the Fast Food Wage Order is currently being challenged in court by the National Restaurant Association. Watch this space for further developments.