

Process for Determination of Increased Minimum Wage for Upstate New York:

- Beginning on December 31, 2021 and each succeeding year the minimum wage for upstate New York will be increased by a percentage determined by the Director of the Budget in consultation with the Commissioner of Labor, with the result rounded to the nearest five cents. The wage can be increased to a maximum amount of \$15.00.
- The percentage increase will be based on indices including, but not limited to:
 - the rate of inflation for the most recent 12-month period ending June of that year based on the seasonally unadjusted, national CPI-U, or successor index;
 - the rate of state personal income growth for the prior calendar year, or successor index; or
 - wage growth.
- The new wage will be published by the Commissioner of Labor by October 1 of each year.

Process for Determination Regarding Whether to Delay a Wage Increase in New York:

- On or after January 1, 2019, and each succeeding January 1 until the minimum wage reaches \$15.00 per hour in all regions of New York State, the Division of Budget will analyze the state of the economy in each region and the effect of the minimum wage increases to determine whether there should be a temporary suspension or delay in any of the scheduled increases.
- In conducting its analysis, the Division is required to consult with:
 - the New York Department of Labor and its Division of Research and Statistics;
 - the U.S. Department of Labor;
 - the Federal Reserve Bank of New York; and
 - other economic experts.
- In conducting its analysis, the Division of Budget will reference well-established economic indices and accepted economic factors, including the amount sufficient to provide adequate maintenance and to protect health, the value of the work performed, and the wages paid in New York State for work of like or comparable character, to justify and explain its determination of whether scheduled increases in the minimum wage shall continue up to and including \$15.00.
- The Division of Budget will issue a report and recommendation to the Commissioner of Labor, who shall take the following action on that report and recommendation:
 - Within five days of receiving the report and recommendation, the Commissioner shall publish a notice of it in at least 10 newspapers of general circulation in the state.
 - Any objections to the report and recommendations must be filed with the Commissioner within 15 days after publication.
 - The Commissioner may order oral argument on five days' notice to the persons who have filed objections to the report and recommendations.
 - Regardless of whether oral argument is scheduled, the Commissioner must issue an order accepting or rejecting the report and recommendations within 45 days after receipt. The Commissioner may modify any recommended regulations in the report and recommendations.
 - The Commissioner's order will become effective 30 days after notice of it is published in at least 10 newspapers of general circulation in the state.
 - During the 45 day period, the Commissioner may confer with the Division of Budget, and the Division may make changes to its report and recommendations. In addition, the Commissioner may remand the matter to the Division for further proceeding within the 45 day period.