



NEW YORK STATE SENATOR

Pamela Helming

## Sen. Helming Introduces Legislation to Protect Restaurant Owners, Workers

SENATOR PAM HELMING June 14, 2018

| ISSUE: **FOOD SERVICE TIP CREDIT**



GENEVA – Senator Pam Helming today announced that she has introduced legislation to preserve the food service tip credit in New York State. The tip credit allows workers in restaurants and other venues to supplement their wages with tips from their customers. Specifically, this bill (S.8594) prohibits either the Commissioner of Labor or the Department of Labor from altering, decreasing, or eliminating the food service tip credit.

“Restaurant owners and tipped workers have visited my office and called to their support for the food service tip credit as it currently exists. It keeps costs down for our small business owners and allows employees to increase their take-home pay based on a job well done. Eliminating the tip credit and raising the minimum wage for food service workers sounds like a good idea on the surface, but it would only cost servers their jobs when their employers have to either raise prices or cut costs. That would result in either automation and lost jobs for our already-struggling state economy or higher prices when our hard-working families want to enjoy the special occasion of a night eating out. I look forward to working with colleagues on both sides of the aisle to enact this meaningful, commonsense legislation,” Senator Helming said.

In 2016, the Governor enacted the most significant minimum wage increase in the nation with a gradual, five-year phase-in of the increase based on the state geographic and socioeconomic diversity. The minimum wage law sets the tip credit for food service works at two-thirds of the overall minimum wage and places a moratorium on any further changes to the tip credit until the increase is fully implemented by December 31, 2021.

New York State Labor Law provides numerous broad executive powers to the Commissioner of Labor and the Department of Labor. This legislation ensures that nothing shall be construed to empower the Commissioner or the Department from altering, decreasing or eliminating the food service tip credit prior to the full implementation of the 2016 law.

This bill (A.10757) is also carried by Assemblywoman Carrie Woerner.

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#### RELATED LEGISLATION

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**2017-S8594**

- 
- Introduced
  
  - ◦ In Committee Assembly
    - In Committee Senate
  
  - ◦ On Floor Calendar Assembly
    - On Floor Calendar Senate
  
  - ◦ Passed Assembly
    - Passed Senate
  
  - Delivered to Governor
  
  - Signed By Governor
  
  -

Prohibits any authorization to preempt, alter or supersede the prohibition against wage boards amending, altering or eliminating the food service tip credit

May 10, 2018

In Senate Committee [Labor](#)

Sponsored by [Pamela Helming](#)

Do you support this bill?

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**2017-A10757**

- 
- Introduced
  
  - ◦ In Committee Assembly
    - In Committee Senate
  
  - ◦ On Floor Calendar Assembly
    - On Floor Calendar Senate
  
  - ◦ Passed Assembly
    - Passed Senate
  
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  - Signed By Governor
  
  -

Prohibits any authorization to preempt, alter or supersede the prohibition against wage boards amending, altering or eliminating the food service tip credit

May 16, 2018

In Assembly Committee

Do you support this bill?