



## e-Alert

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# 2023 New York Employment Law Roundup

## Background

The New York State and local legislatures were busy in 2022, which has brought several changes to the employment law scene in 2023.

## Summary

The following is a summary of the key employment-related laws that were enacted or amended, as well as legislation that will take effect throughout 2023.

### Minimum Wage Increases

The [New York Minimum Wage Act](#) increases the minimum wage each year on December 31 until it reaches \$15.00 per hour. In 2023 the minimum wage is \$14.20, which is up from \$13.20 in 2022. New York City, Long Island, and Westchester have already reached the \$15.00 per hour mark.

Service workers outside of New York City, Long Island, and Westchester have a new minimum hourly cash wage of \$9.45, and the tip credit went up to \$4.75. For workers inside New York City, Long Island, and Westchester the minimum hourly cash wage increased to \$11.85, and the tip credit is now \$2.35.

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### Salary Basis Test Increases

For 2023, for employers in Upstate New York (outside NYC and Nassau, Suffolk, and Westchester counties) the minimum salary threshold for employees classified as exempt under the administrative, professional, and executive categories, has increased to \$1,064.25 which is up from the previous threshold of \$990.00. For the rest of the state, the threshold will remain at \$1,125.00 per week, until further [notice](#) is released.

### Paid Family Leave Amendments

For 2023, there are three (3) major updates to the [Paid Family Leave](#) program in New York.

- The maximum weekly benefit for Paid Family Leave increased to \$1131.08
- Payroll deductions for employee contributions have been reduced to 0.455%, for a maximum contribution of \$399.43 in 2023
- Siblings are now included in the definition of family member, and this includes biological, adopted, half siblings, and step siblings

### Paid Vaccination Leave Extended

The State's Paid Vaccination Leave has been extended through December 31, 2023. As such, employers will need to provide employees up to four (4) hours of leave for each dose of the COVID-19 vaccination. Employees must be paid their regular wages and the time cannot be deducted from other leave buckets, such vacation or sick leave.

### No Fault Attendance Policy Updates

Beginning February 20, 2023, attendance control policies that discipline employees for taking protected leave under any federal, state, or local law will be subject to [penalties](#). These amendments target policies that use a point or docking system regardless of whether the absence is permissible under applicable law. The law does not prohibit these types of point systems; it specifies that protected absences cannot be docked or deducted from the point system.

### New York City Preemployment Screening

Under the [New York City Automated Employment Decision Tools Law](#), employers will have additional restrictions placed on the use of automated employment decision tools when making a hiring decision. As previously reported [here](#), the law took effect January 1, 2023, and enforcement has been postponed until April 15, 2023.

### Nursing Mothers Act Amended

The [Nursing Mothers in the Workplace Act](#) takes effect June 7, 2023. Under this Act, employers will be required to provide reasonable paid or unpaid break for lactation, as

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well as an appropriate designated location. A permanent area is not required; however, employers must make available a private location on a temporary basis when the need arises. There will also be a written notice requirement that employers must provide new hires, as well as existing employees at least annually, and once an employee returns to work from birthing a child. The New York Department of Labor will be developing a model notice for employers to distribute.

### **Statewide Wage Transparency Act**

Private employers with four (4) or more employees will soon be required to disclose a minimum and maximum salary range for any posted position. The law is unclear as this applies to public (i.e., governmental) employers. These disclosure requirements extend to remote positions that could possibly be filled by a New York resident. Employers should begin to prepare for the upcoming effective date of September 17, 2023. Amendments and additional guidance may be released closer to the effective date.

## **Employer Next Steps**

- Employers should ensure policies are updated to comply with these new laws
- Employers may want to review their job descriptions and postings and plan to update them to reflect the minimum and maximum salary range requirement
- Employers should train Managers and Supervisors on these new and amended laws
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#)

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