



New York State Minimum Wage Rate for Upstate Employers Set to Increase on December 31, 2022

The New York State Department of Labor (DOL) recently announced that the minimum wage rate for employers in upstate New York (i.e., outside of New York City, Long Island and Westchester County) will increase on December 31, 2022, from \$13.20 to \$14.20 per hour. The minimum wage for upstate employees is scheduled to continue to increase in future years until it reaches \$15.00 per hour. The minimum wage for employees working in New York City, Long Island and Westchester County will remain unchanged at \$15.00 per hour. The minimum wage for all areas of New York State as of December 31, 2022, is shown in the following chart:

NEW YORK STATE MINIMUM WAGE AS OF DECEMBER 31, 2022	
New York City – Large Employers (11 or more employees)	\$15.00
New York City – Small Employers (10 or fewer employees)	\$15.00
Long Island & Westchester County	\$15.00
Remainder of New York State	\$14.20

Although the DOL has also proposed increasing the minimum salary level for executive and administrative overtime exempt employees in upstate New York from \$990 per week to \$1,064.25 per week on December 31, 2022, that increase has not yet been formally adopted. The DOL has not proposed changing the minimum salary level for executive and administrative overtime exempt employees working in New York City, Long Island or Westchester County, and that level will remain at \$1,125 per week.

Unlike federal law, New York State does not have a minimum overtime exempt salary level for professional

employees. Thus, to qualify for the professional overtime exemption, employees in New York State must be paid at least the federal exempt salary threshold of \$684 per week, regardless of work location.

Additional Assistance

For further assistance, please contact any of the attorneys on our [Labor & Employment Practice Team](#) or the [Phillips Lytle attorney with whom you have a relationship](#). ■



PHILLIPS LYTLE LLP CLIENT ALERT

LABOR & EMPLOYMENT

NOVEMBER 2022



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