



**PHILLIPS LYTLE LLP CLIENT ALERT**  
**FOR BNHRA MEMBERS**  
**LABOR & EMPLOYMENT**



**OCTOBER 2021**

*New York State Minimum Wage and Overtime-Exempt Salary Levels Will Increase for Employees Working Outside of New York City on December 31, 2021*

The New York State minimum wage rates and minimum overtime-exempt salary levels for employees working outside of New York City will increase on December 31, 2021. New York State employers with employees working in the State and outside of New York City should review the changes and make the necessary adjustments to ensure they are in compliance with the new requirements when they become effective.

**MINIMUM WAGE INCREASES**

New York State's minimum hourly wage rates for non-fast-food workers outside of New York City will increase on December 31, 2021, as follows:

- Nassau, Suffolk and Westchester counties: \$14.00 to **\$15.00** per hour;
- Remainder of the State outside of New York City: \$12.50 to **\$13.20** per hour.

As of July 1, 2021, the minimum hourly wage rate for fast-food workers statewide is **\$15.00** per hour.

**MINIMUM WAGE INCREASES FOR TIPPED EMPLOYEES**

New York State's minimum hourly wage rates for "tipped employees" in the hospitality industry (food service workers and service employees) in Nassau, Suffolk and Westchester counties will increase on December 31, 2021, as follows:

- Food service workers: \$9.35 cash with \$4.65 tip credit to **\$10.00 cash with \$5.00 tip credit** per hour;
- Service employees: \$11.65 cash with \$2.35 tip credit to **\$12.50 cash with \$2.50 tip credit** per hour (\$3.25 tip threshold for non-resort hotel employees) (\$8.40 tip threshold for resort hotel employees).

**MINIMUM SALARY INCREASES FOR OVERTIME-EXEMPT EXECUTIVE AND ADMINISTRATIVE EMPLOYEES**

New York State's minimum salary levels for overtime-exempt executive and administrative employees will increase on December 31, 2021, as follows:

- Nassau, Suffolk and Westchester counties: \$1,050 to **\$1,125 per week (\$58,500 annually)**;
- Remainder of the State outside of New York City: \$937.50 to **\$990 per week (\$51,480 annually)**.

New York State does not have a minimum salary level for professional employees. Therefore, employers that wish to treat such employees as exempt from overtime must pay the federal minimum salary level of \$684 per week (\$35,568 annually), unless an exemption from the minimum salary level otherwise applies.

**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. ■*



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