

NEW YORK FOOD SERVICE INDUSTRY POSTER

WE ARE YOUR DOL



Attention Hospitality Industry Employees

Minimum Wage hourly rates effective 1/1/2026 – 12/31/2026

New York City			
Large Employers (11 or more employees)		Small Employers (10 or less employees)	
Minimum Wage \$17.00 Overtime after 40 hours \$25.50 Fast Food Worker \$17.00 Overtime after 40 hours \$25.50		Minimum Wage \$17.00 Overtime after 40 hours \$25.50 Fast Food Worker \$17.00 Overtime after 40 hours \$25.50	
*Service Employee \$14.15 Overtime after 40 hours \$22.65 Resort - minimum tips \$9.55 Others - minimum tips \$3.65		*Service Employee \$14.15 Overtime after 40 hours \$22.65 Resort - minimum tips \$9.55 Others - minimum tips \$3.65	
*Food Service Worker \$11.35 Overtime after 40 hours \$19.85		*Food Service Worker \$11.35 Overtime after 40 hours \$19.85	
Long Island and Westchester County		Remainder of New York State	
Minimum Wage \$17.00 Overtime after 40 hours \$25.50 Fast Food Worker \$17.00 Overtime after 40 hours \$25.50 *Service Employee \$14.15 Overtime after 40 hours \$22.65 Resort - minimum tips \$9.55 Others - minimum tips \$3.65 *Food Service Worker \$11.35 Overtime after 40 hours \$19.85		Minimum Wage \$16.00 Overtime after 40 hours \$24.00 Fast Food Worker \$16.00 Overtime after 40 hours \$24.00 *Service Employee \$13.30 Overtime after 40 hours \$21.30 Resort - minimum tips \$9.00 Others - minimum tips \$3.40 *Food Service Worker \$10.70 Overtime after 40 hours \$18.70	

LS 207.3 (12/25)

Minimum Wage Poster

Post in Plain View

If you have questions or want to file a complaint, visit www.labor.ny.gov/minimumwage or call: (888) 469-7365.

Credits and Allowances that may reduce your pay below the minimum wage rates shown above:

- **Tips** –Your employer may use a limited amount of your tips to reduce your wages. This is called a tip credit. Your employer may take a tip credit only if your tips plus wages add up to at least the minimum wage. They must still pay at least the wage rates shown above. *Exceptions:* No tip credit can be taken from any fast food workers, including delivery, or for service employees whose weekly tips average less than the minimum hourly amounts shown above. The tip credit amount is the same for overtime hours.
- **Meals and lodging** – Your employer may take a limited amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are set forth in wage orders and summaries, which are available online.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

- **Hourly rate and overtime** – You must be paid by the hour (not a salary or day rate). You must also be paid 1½ times your regular rate of pay (no less than amounts shown above) for weekly hours over 40 (or 44 for residential employees). *Exceptions:* An hourly rate and overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.
- **Call-in pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

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Division of Labor Standards | Harriman State Office Campus Building 12, Albany, NY 12240

Tip Appropriation | Section 196-d of the New York State Labor Law

Section 196-d. **Gratuities.** No employer or his agent or an officer or agent of any corporation, or any other person shall demand or accept, directly or indirectly, any part of the gratuities, received by an employee, or retain any part of a gratuity or of any charge purported to be a gratuity for an employee. This provision shall not apply to the checking of hats, coats or other apparel. Nothing in this subdivision shall be construed as affecting the allowances

from the minimum wage for gratuities in the amount determined in accordance with the provisions of article nineteen of this chapter nor as affecting practices in connection with banquets and other special functions where a fixed percentage of the patron's bill is added for gratuities which are distributed to employees, nor to the sharing of tips by a waiter with a busboy or similar employee.

LS 204 (12/25)

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Deductions from Wages | Section 193 of the New York State Labor Law

§ 193. Deductions from wages.

- 1.No employer shall make any deduction from the wages of an employee, except deductions which:
 - a) are made in accordance with the provisions of any law or any rule or regulation issued by any governmental agency including regulations promulgated under paragraph c and paragraph d of this subdivision; or
 - b) are expressly authorized in writing by the employee and are for the benefit of the employee, provided that such authorization is voluntary and only given following receipt by the employee of written notice of all terms and conditions of the payment and/ or its benefits and the details of the manner in which deductions will be made. Whenever there is a substantial change in the terms or conditions of the payment, including but not limited to, any change in the amount of the deduction, or a substantial change in the benefits of the deduction or the details in the manner in which deductions shall be made, the employer shall, as soon as practicable, but in each case before any increased deduction is made on the employee's behalf, notify the employee prior to the implementation of the change. Such authorization shall be kept on file on the employer's premises for the period during which the employee is employed by the employer and for six years after such employment ends. Notwithstanding the foregoing, employee authorization for deductions under this section may also be provided to the employer pursuant to the terms of a collective bargaining agreement. Such authorized deductions shall be limited to payments for:
 - (i) insurance premiums and prepaid legal plans;
 - (ii) pension or health and welfare benefits;
 - (iii) contributions to a bona fide charitable organization;
 - (iv) purchases made at events sponsored by a bona fide charitable organization affiliated with the employer where at least twenty percent of the profits from such event are being contributed to a bona fide charitable organization;
 - (v) United States bonds;
 - (vi) dues or assessments to a labor organization;
 - (vii) discounted parking or discounted passes, tokens, fare cards, vouchers, or other items that entitle the employee to use mass transit;
 - (viii) fitness center, health club, and/or gym membership dues;
 - (ix) cafeteria and vending machine purchases made at the employer's place of business and purchases made at gift shops operated by the employer, where the employer is a hospital, college, or university;
 - (x) pharmacy purchases made at the employer's place of business;
 - (xi) tuition, room, board, and fees for pre-school, nursery,

- primary, secondary, and/or post- secondary educational institutions;
 - (xii) day care, before-school and after-school care expenses;
 - (xiii) payments for housing provided at no more than market rates by non-profit hospitals or affiliates thereof; and
 - (xiv) similar payments for the benefit of the employee.
- c) are related to recovery of an overpayment of wages where such overpayment is due to a mathematical or other clerical error by the employer. In making such recoveries, the employer shall comply with regulations promulgated by the commissioner for this purpose, which regulations shall include, but not be limited to, provisions governing: the size of overpayments that may be covered by this section; the timing, frequency, duration, and method of such recovery; limitations on the periodic amount of such recovery; a requirement that notice be provided to the employee prior to the commencement of such recovery; a requirement that the employer implement a procedure for disputing the amount of such overpayment or seeking to delay commencement of such recovery; the terms and content of such a procedure and a requirement that notice of the procedure for disputing the overpayment or seeking to delay commencement of such recovery be provided to the employee prior to the commencement of such recovery.
 - d) repayment of advances of salary or wages made by the employer to the employee. Deductions to cover such repayments shall be made in accordance with regulations promulgated by the commissioner for this purpose, which regulations shall include, but not be limited to, provisions governing: the timing, frequency, duration, and method of such repayment; limitations on the periodic amount of such repayment; a requirement that notice be provided to the employee prior to the commencement of such repayment; a requirement that the employer implement a procedure for disputing the amount of such repayment or seeking to delay commencement of such repayment; the terms and content of such a procedure and a requirement that notice of the procedure for disputing the repayment or seeking to delay commencement of such repayment be provided to the employee at the time the loan is made.
2. Deductions made in conjunction with an employer sponsored pre-tax contribution plan approved by the IRS or other local taxing authority, including those falling within one or more of the categories set forth in paragraph b of subdivision one of this section, shall be considered to have been made in accordance with paragraph a of subdivision one of this section.
 3. a. No employer shall make any charge against wages, or require an employee to make any payment by separate transaction unless

- such charge or payment is permitted as a deduction from wages under the provisions of subdivision one of this section or is permitted or required under any provision of a current collective bargaining agreement.
- b. Notwithstanding the existence of employee authorization to make deductions in accordance with subparagraphs (iv), (ix), and (x) of paragraph b of subdivision one of this section and deductions determined by the commissioner to be similar to such deductions in accordance with subparagraph (xiv) of paragraph b of subdivision one of this section, the total aggregate amount of such deductions for each pay period shall be subject to the following limitations: (i) such aggregate amount shall not exceed a maximum aggregate limit established by the employer for each pay period; (ii) such aggregate amount shall not exceed a maximum aggregate limit established by the employee, which limit may be any amount (in ten dollar increments) up to the maximum amount established by the employer under subparagraph (i) of this paragraph; (iii) the employer shall not permit any purchases within these categories of deduction by the employee that exceed the aggregate limit established by the employee or, if no limit has been set by the employee, the limit set by the employer; (iv) the employee shall have access within the workplace to current account information detailing individual expenditures within these categories of deduction and a running total of the amount that will be deducted from the employee's pay during the next applicable pay period. Information shall be available in printed form or capable of being printed should the employee wish to obtain a listing. No employee may be charged any fee, directly or indirectly, for access to, or printing of, such account information.
 - c. With the exception of wage deductions required or authorized in a current existing collective bargaining agreement, an employee's authorization for any and all wage deductions may be revoked in writing at any time. The employer must cease the wage deduction for which the employee has revoked authorization as soon as practicable, and, in no event more than four pay periods or eight weeks after the authorization has been withdrawn, whichever is sooner.
4. Nothing in this section shall justify noncompliance with article three-A of the personal property law relating to assignment of earnings, with section two hundred twenty-one of this chapter relating to company stores or with any other law applicable to deductions from wages.
 5. There is no exception to liability under this section for the unauthorized failure to pay wages, benefits or wage supplements.

LS 605 (12/25)

For more information, call or write the nearest office of the Division of Labor Standards:

Albany District
1220 Washington Ave., Bldg. 12 Room 185A
Albany, NY 12226, (518) 457-2730
New York City District
55 Hanson Place, 11th Floor
New York, NY 11217, (212) 775-3880

Buffalo District
295 Main Street, Suite 914,
Buffalo, NY 14203, (716) 847-7141
Rochester District
276 Waring Road, Room 104
Rochester, NY 14609, (585) 258-4550

Garden City District
400 Oak Street, Suite 102
Garden City, NY 11530, (516) 794-8195
Syracuse District
333 East Washington Street, Room 121
Syracuse, NY 13202, (315) 428-4057

White Plains District
120 Bloomingdale Road
White Plains, NY 10605, (914) 997-9521
Bronx District
55 Hanson Place, 11th Floor
Brooklyn, NY 11217, (212) 775-3719

www.labor.ny.gov



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