

April 17, 2014

Dear Governor Cuomo,

We submit this letter on behalf of a coalition of worker advocacy organizations and legal service providers to urge you to direct Department of Labor Commissioner Peter Rivera to immediately appoint a Wage Board and issue Wage Orders to boost pay for New York's food service workers and to protect workers from rampant wage theft.

New York State minimum wage rates are set in two ways: through statutory rates established by the state legislature, and through "Wage Orders" issued by the Governor's Commissioner of Labor. Last year, you signed legislation that left thousands of New Yorkers, including tipped food service workers, out of the state's minimum wage increase. Considering that women make up nearly three-quarters of workers in tipped occupations, this exclusion is both discriminatory and unequal. The law you signed instead promised a path to administratively raise the wage for workers in the food industry through your executive authority to convene a Wage Board. **A year later, workers who feed New Yorkers are still waiting for you to act on your promise to appoint a Wage Board and issue Wage Orders. They and their families cannot afford to wait any longer.**

Food service workers are not just teenagers entering the work force, but adults with children and families to support. Many are women and people of color. Food service workers face a family poverty rate that is three times higher than the overall U.S. work force, and are forced to turn to food stamps at double the rate of other U.S. workers. This means that the workers who put food on our tables cannot put food on their tables at home. The majority of New York's tipped restaurant workers earn a subminimum base pay of only \$5 an hour and must rely on customers' generosity to make ends meet. They face fluctuations in tipped earnings, which often depend on shifts and seasons. To make matters worse, many food service workers never see much of the wages they earn. A recent survey of fast food workers in New York City found that 84 percent of workers surveyed reported that their employer had committed some form of wage theft over the past year. We expect that your administration will appoint Wage Board members who understand these and other acute challenges of living on the minimum wage faced by New York food service workers.

Food service industry workers fought for and won your promise in the 2013 minimum wage law to issue new Wage Orders that would provide for their needs through the Wage Board process. The advocacy community expected that the Wage Board would be convened in time so that food service workers would get a pay increase by December 31, 2013-- the same time as other workers in New York. Yet food service workers are still waiting for your promised appointment of a Wage Board to begin the process.

We call on you to deliver on your promise. We ask that you direct Commissioner Rivera to immediately convene a Wage Board and issue Wage Orders guaranteeing a fair pay increase for food service workers in New York. If your Labor Commissioner fails to appoint a food service Wage Board within one month, you should fire him and take immediate action to convene this Wage Board. We hope you will take these steps to ensure equality and justice for all New York workers.

On behalf of the Coalition for a Real Minimum Wage Increase,

JoAnn Lum (National Mobilization Against Sweatshops)