



MICHAEL J. NORRIS  
Assemblyman 144<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

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May 9, 2018

Roberta Reardon, Commissioner  
NYS Department of Labor  
Building 12  
W.A. Harriman Campus  
Albany, NY 12240

Dear Commissioner Reardon:

I am writing to express my serious concern regarding the New York State Department of Labor's pending decision to raise the minimum wage for tipped workers.

As the Department of Labor continues to hold hearings across the state and gathers information and testimony to consider this policy change, I urge caution and the consideration of the many unintended negative consequences that this change will have not only on small business owners, but the individuals this change is aimed at assisting, tipped labor employees themselves.

While I fully support every individual maximizing their earning potential, I firmly believe that there is substantial evidence that indicates that restaurant employees that are currently tipped will actually earn less if their minimum wage is increased.

Especially in Western New York, where small, locally owned establishments are the communal and cultural lifeblood of the food and beverage service industry, shifting wage costs directly to employers will lead to higher prices for consumers. While I understand that tipping will still be allowed and encouraged, customers will have less incentive to tip because the cost of their meal or drink will have increased.

New York State has made a habit of continually increasing the cost of doing business for small business owners; which in large part is a primary reason that so many businesses have left our state. Every time New York State arbitrarily drives up the cost of doing business, small business owners are left with a choice on how to absorb the increase. They can either decide to increase their prices and pass new costs on to their consumers, or they can make the determination that their workforce could function with less staff. Regardless, tipped workers will see a net negative outcome as the cost of doing business increases yet again in New York State.

In November of 2016, the Maine State Legislature voted to raise the minimum wage for restaurant servers; then due to wide and strong concern from the state food service industry, the legislature decided to reverse decision in June of 2017. The Maine food service industry stated that that "...it would force employers to raise prices on their menu items, which could affect their current tips; and second, and perhaps more importantly, that employers might be forced to cut servers' shifts as a result."

Again, while I support tipped workers, I believe that the unintended consequences of this proposal will have a terrible negative impact on tipped labor and their families. I respectfully request that you consider the long term impact that your decision has on working families across New York State.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Norris". The signature is written in a cursive style with a large initial "M".

**Michael J. Norris**  
**Member of Assembly**  
**144<sup>th</sup> District**