

THE PORT AUTHORITY OF NY & NJ

MINIMUM WAGE POLICY – FREQUENTLY ASKED QUESTIONS (AND ANSWERS)

1. How does the policy treat tips? Did the Port Authority “adjust” the “tip credit”?

Refer to the Port Authority’s website (<http://www.panynj.gov/airports/minimum-wage-rules.html>) where “Tipped Employees” is addressed within the Amended Rules for Implementation of Minimum Wage Policy for Non-Trade Labor Service Contracts – LaGuardia Airport, John F. Kennedy International Airport and Newark Liberty International Airport.

2. Does the Minimum Wage Policy distinguish between full time and part time employees?

No. The wage minimums in the Policy encompass all “Covered Services” employees, whether working full time or part time.

3. What is the current minimum wage?

Refer to the Port Authority’s website (<http://www.panynj.gov/airports/minimum-wage-rules.html>) for the current minimum wage.

4. My company’s employees are covered by a collective bargaining agreement. Does the policy apply to those employees?

Yes. The Minimum Wage Policy applies to all workers performing “Covered Services.” The burden is placed on the company to demonstrate that it is unable to comply with the Policy.

Questions 5-7 below address the Minimum Wage Policy’s “paid holiday” provision.

5. What is the meaning of “paid holiday” in the Port Authority’s Minimum Wage Policy, as used in the following: “All Contractors subject to the Policy and these rules shall provide its workers performing Covered Services or Port District Covered Services a paid holiday for Martin Luther King, Jr. Day”? How does an employer comply?

A “paid holiday” is generally defined in the materials provided by the employer—for example, in the contract between an employer and an employee, including a collective bargaining agreement, or in a workplace handbook. A “paid holiday” is not a personal day, sick day, or an ordinary vacation day. Rather, it is typically an annually-recurring day, like Thanksgiving or New Year’s Day, specified in those materials as a holiday, for which the employee receives pay without being required to perform work.

If an employer provides a “paid holiday” to any Covered Services employee on any calendar day, the employer must do the same on Martin Luther King, Jr. Day.

6. What if an employer has many different classes of workers who each receive different benefits? How do I handle each worker?

As set out above in answer to question number five, if an employee performing Covered Services receives any “paid holiday” as a term of his or her employment, he or she must also receive a “paid holiday” on Martin Luther King, Jr. Day.

If an employee performing Covered Services does not receive any “paid holiday,” please see question seven below.

7. How do I handle a worker performing Covered Services who generally does not receive any paid holiday?

There are two options.

First, an employee performing Covered Services can be given a paid holiday on Martin Luther King, Jr. Day. That is, he or she can be paid as if he or she worked for that day without being required to work—and without having to incur, for example, a vacation day, a sick day, or a personal day.

Second, if it is necessary that the employee must work on Martin Luther King, Jr. Day, he or she must be paid: (a) the amount he or she ordinarily would be entitled to for that day’s work, plus (b) the financial equivalent of his or her regular day’s pay.