

Hon. M. Patricia Smith  
Commissioner Department of Labor  
Building 12  
Harriman Office Campus  
Albany, New York 12240

July 20, 2009

Dear Commissioner Smith:

The undersigned organizations representing a broad cross section of small businesses in New York State write to express our concern about the impending Wage Orders being developed in conjunction with the Minimum Wage increase that takes effect this week. It is our understanding that the Department intends to implement these Wage Orders within the next few days on an emergency basis without any notice to the affected businesses.

It is our collective belief that requiring businesses to comply with the new Wage Orders immediately is an unreasonable expectation. This is especially true for New York's small businesses. It will take some time for the Department to notify the business community and then each affected business will need to take the appropriate measures to comply with the new Wage Orders.

We appreciate the efforts of the Department and the Wage Boards to reach this step in the process. However, New York's business community should not be denied an appropriate implementation process or be subject to disciplinary measures from the Department for failing to comply with new Wage Orders during the implementation period as a result of the Department's delay in enacting these new Wage Orders.

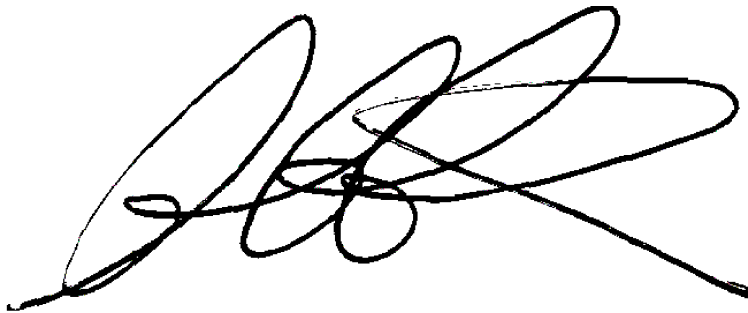
It is our recommendation that the Department make the new Wage Orders effective 30 days after their adoption. We also recommend that the Department collaborate with us on a notification and education process to increase voluntary compliance with the new Wage Orders.

We believe such a partnership will benefit workers, businesses and the Department. Thank you for your consideration of our request.

Sincerely,



**Michael J. Elmendorf II**  
**State Director, NFIB/NY**



**Scott Wexler**  
**Executive Director,**  
**Empire State Restaurant and Tavern Association**





**James Calvin**  
**President,**  
**New York Association of Convenience Stores**



*Michael Rosen*

Michael Rosen  
Executive VP  
Food Industry Alliance of NYS

