



Comments Received by the Department of  
Consumer and Worker Protection on

Proposed Rules related to the Prevailing Wage for Building  
Service Workers in City-Leased or Financially-Assisted Facilities

IMPORTANT: The information in this document is made available solely to inform the public about comments submitted to the agency during a rulemaking proceeding and is not intended to be used for any other purpose

SEIU Local 32BJ Comments on  
Proposed Rule Regarding Local Law 212

The proposed rule provides as follows with respect to annual increases in the protected wage rate:

§ 9-06 Annual Increases in the Protected Wage Rate

The rate of wages and the cost of benefits paid to a Building Service Employee who receives a Protected Wage must each respectively increase, on an annual basis, by no less than one percent. “Paid,” as used in this section, means with respect to wages, wages paid to a Building Service Employee, and, with respect to benefits, any combination of in-kind benefits or payments provided to such employee.

This proposed rule is not consistent with the text of the Local Law. The Local Law provides for an annual increase in the Protected Wage “to account for any change in the cost of living and in the cost of providing benefits.”

Instead of attempting to measure changes in the cost of living and in the cost of providing benefits, the proposed rule arbitrarily provides for annual one percent increases. Our suggestion is that the Department of Consumer and Worker Protection should instead follow the approach set out in N.Y.C. Admin. Code 6-134(b)(9) for annual increases in the Living Wage. We suggest replacing the first sentence of §9-06 with the following:

“The rate of wages and the cost of benefits paid to a Building Service employee who receives a Protected Wage must each respectively increase, on an annual basis, by no less than the twelve-month percentage increases, if any, in the Consumer Price Index for All Urban Consumers for All Items and the Consumer Price Index for All Urban Consumers for Medical Care, respectively, (or their successor indexes, if any) as published by the Bureau of Labor Statistics of the United States Department of Labor, based on the most recent twelve-month period for which data is available.”