

WE ARE YOUR DOL



Division of Labor Standards

Guidelines for Written Notice of Rates of Pay and Regular Payday

Effective April 9, 2011 Section 195.1 of the Labor Law, requires all employers, other than government agencies, to give employees at the time of hire (before work is performed) notice of the following:

1. The employee's rate or rates of pay
2. The overtime rate of pay, if the employee is subject to overtime regulations
3. The basis of wage payment (per hour, per shift, per week, piece rate, commission, etc.)
4. Any allowances the employer intends to claim as part of the minimum wage including tip, meal, and lodging allowances
5. The regular payday
6. The employer's name and any names under which the employer does business (DBA)
7. The physical address of the employer's main office or principal place of business and, if different, the employer's mailing address
8. The employer's telephone number

Employers must provide the notice in English and the employee's primary language.

Employee Acknowledgement

The employer must have the employee sign a statement acknowledging receipt of the written notice in English and the employee's primary language. Employees must also acknowledge that they have properly identified their primary language to their employer. The employer must keep the signed and dated notice and acknowledgement for six years and provide a copy to the employee.

Notice and Acknowledgement Templates

The Department of Labor (DOL) has prepared templates for several common types of pay agreements, including dual language versions in Chinese, Haitian-Creole, Korean, Polish, Russian and Spanish. An employee acknowledgement of receipt section is included in the templates prepared by the Department. Templates are available on the Department's web site at www.labor.ny.gov and in hard copy.

If the Department of Labor does not make a template in a particular language available, employers may provide notice to that employee in English only.

Employers will not be penalized for errors in the prepared templates issued by DOL.

The Department reserves the right to require use of DOL forms in the future, if employer notices do not meet requirements.

See LS 53 Instructions: Templates for Notice of Pay Rates, Paydays and Employee Acknowledgement under Section 195.1 of the NYS Labor Law to find a template that may be appropriate for your particular pay agreement.

Overtime Rate

Most employees must receive overtime pay at 1½ times their regular rates of pay for all hours worked over 40 in a workweek. In a few occupations that are exempt from overtime under the federal Fair Labor Standards Act, New York State Labor Law requires the employees be paid at least 1½ times the minimum hourly rate for their overtime hours. A few occupations are exempt from the overtime pay provisions of both state and federal law. As of 1/1/2020 Agricultural employers must pay 1½ times the regular rate for all hours worked over 60 in a calendar week.

Day-of-Rest Overtime

Agricultural employers must pay 1½ times the regular rate of pay for all hours worked on the day-of rest. Employers of Domestic Workers must pay 1½ times the regular rate of pay for all hours worked on the day-of rest.

Exempt Employees

The notice to exempt employees may state the specific exemption that applies.

Payday

The regular payday must be at least weekly for manual workers, at least twice a month for clerical and other workers, and at least monthly for commissioned salespeople.

Other Notice Requirements

For the following types of employees there are additional notice provisions required by Labor Law and or Regulation. Please refer to the sections cited below for more information.

- Commissioned Sales Employees (191.1c)
- Farm Employees (190-6.1)
- Hospitality Industry Employees (146-2.2)

Temporary Help Firms

The Department has developed a notice form and separate guidelines for use by temporary help firms (LS 50). It is available at the Department's web site or in hard copy. The use of those guidelines and form is strictly limited to employers that meet the definition of the term "temporary help firms" in Section 916.5 of the Labor Law.

For more information or assistance, please contact the NYS Department of Labor, Division of Labor Standards office nearest you or visit our web site at www.labor.ny.gov.

Albany District

State Office Campus
Bldg. 12 Room 185A
Albany, NY 12240
(518) 457-2730

Buffalo District

65 Court Street
Room 202
Buffalo, NY 14202
(716) 847-7141

New York City District

75 Varick Street
7th Floor
New York, NY 10013
(212) 775-3880

Garden City District

400 Oak Street
Suite 101
Garden City, NY 11530
(516) 794-8195

Rochester

Sub-District
276 Waring Road
Room 104
Rochester, NY 14609
(585) 258-4550

Syracuse District

333 East Washington Street
Room 121
Syracuse, NY 13202
(315) 428-4057

White Plains District

120 Bloomingdale Road
White Plains, NY 10605
(914) 997-9521

Guidelines for Employers: Requirements to Notify Employees About Time Off and Work Hours

Section 195.5 of the New York State Labor Law effective December 12, 1981 provides as follows:

"Every employer shall notify his employees in writing or by publicly posting the employer's policy on sick leave, vacation, personal leave, holidays and hours."

To assist employers in complying with this provision, the Division of Labor Standards has issued the following guidelines:

1. An employer shall distribute in writing to each employee, the employer's policy on the above- enumerated items. The employer upon the request of the Department must be able to affirmatively demonstrate that such written notification was provided to employees by means, which may include, but not be limited to, distribution through company newspapers or newsletters or by inclusion in a company payroll.

Or

An employer shall post and keep posted in each establishment in a conspicuous place where notices to employees are customarily posted, a notice that states where on the employer's premises they may see such information in writing. Such information may be contained in a union contract, employee handbook, personnel manual, or in other written form. Deviations for an employee from such stated policy must be given to said employee in writing.

2. As used in the provision above, "hours" means the hours which constitute a standard workday and workweek for the establishment, and any other regular schedule, such as for part-time employees. Deviations should be given to the affected employee in writing.

For more information, call or write the nearest office of the Division of Labor Standards, of the New York State Department of Labor, listed below:

Albany District
State Office Campus
Bldg. 12 Room 185A
Albany, NY 12240
(518) 457-2730

Binghamton
Sub-District
44 Hawley Street
Binghamton, NY 13901
(607) 721-8014

New York City District
75 Varick Street
7th Floor
New York, NY 10013
(212) 775-3880

Garden City District
400 Oak Street
Suite 101
Garden City, NY 11530
(516) 794-8195

Buffalo District
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276 Waring Road
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Rochester, NY 14609
(585) 258-4550

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(315) 428-4057

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Written Authorization for Wage Advances

This form is a template an employer may use to obtain written authorization to make payroll deductions for a wage advance provided to an employee.

An **advance** is money provided by the employer to the employee based on the employee's future wage earnings. An advance cannot include interest or fees or any repayment that does not match the terms of the Written Authorization for Wage Advances.

I _____ (Employer) agree to advance
to _____ (Employee) \$ _____,
which will be repaid through wage deductions, according to the terms of this written agreement.

Advance amount \$ _____

Date of advance _____

Total amount to be deducted \$ _____

Amount of each deduction \$ _____

Total number of deductions _____

Dates of each deduction:

Method of repayment

- ☐ Direct deduction from wages
☐ Separate transaction/payment

Limitations

Once an advance is given, no further advance may be given or deducted until any existing advance has been repaid in full.

Wage deductions may not occur more than once per pay period.

If the employee's employment ends prior to full repayment of the advance per this agreement, the employer may deduct the entire remaining balance of the unpaid advance from the employee's final wage payment.

Notice to employee

You may contest any deduction that is not in accordance with the terms of this agreement. Please read the terms and provide your signature indicating that you have read and understand the terms of the Dispute Procedure.

Employee name

Employee address

Employee telephone number

Employee email address

Employee signature & date

(Date)

Employer name

Employer address

Employer telephone number

Employer email address

Employer signature & date

(Date)

Deductions from Wages

Section 193 of the New York State Labor Law

§ 193. Deductions from wages.

1. No employer shall make any deduction from the wages of an employee, except deductions which:

- a) are made in accordance with the provisions of any law or any rule or regulation issued by any governmental agency including regulations promulgated under paragraph c and paragraph d of this subdivision; or
- b) are expressly authorized in writing by the employee and are for the benefit of the employee, provided that such authorization is voluntary and only given following receipt by the employee of written notice of all terms and conditions of the payment and/or its benefits and the details of the manner in which deductions will be made. Whenever there is a substantial change in the terms or conditions of the payment, including but not limited to, any change in the amount of the deduction, or a substantial change in the benefits of the deduction or the details in the manner in which deductions shall be made, the employer shall, as soon as practicable, but in each case before any increased deduction is made on the employee's behalf, notify the employee prior to the implementation of the change. Such authorization shall be kept on file on the employer's premises for the period during which the employee is employed by the employer and for six years after such employment ends. Notwithstanding the foregoing, employee authorization for deductions under this section may also be provided to the employer pursuant to the terms of a collective bargaining agreement. Such authorized deductions shall be limited to payments for:
 - (i) insurance premiums and prepaid legal plans;
 - (ii) pension or health and welfare benefits;
 - (iii) contributions to a bona fide charitable organization;
 - (iv) purchases made at events sponsored by a bona fide charitable organization affiliated with the employer where at least twenty percent of the profits from such event are being contributed to a bona fide charitable organization;
 - (v) United States bonds;
 - (vi) dues or assessments to a labor organization;
 - (vii) discounted parking or discounted passes, tokens, fare cards, vouchers, or other items that entitle the employee to use mass transit;
 - (viii) fitness center, health club, and/or gym membership dues;
 - (ix) cafeteria and vending machine purchases made at the employer's place of business and purchases made at gift shops operated by the employer, where the employer is a hospital, college, or university;
 - (x) pharmacy purchases made at the employer's place of business;
 - (xi) tuition, room, board, and fees for pre-school, nursery, primary, secondary, and/or post-secondary educational institutions;
 - (xii) day care, before-school and after-school care expenses;
 - (xiii) payments for housing provided at no more than market rates by non-profit hospitals or affiliates thereof; and
 - (xiv) similar payments for the benefit of the employee.

- c) are related to recovery of an overpayment of wages where such overpayment is due to a mathematical or other clerical error by the employer. In making such recoveries, the employer shall comply with regulations promulgated by the commissioner for this purpose, which regulations shall include, but not be limited to, provisions governing: the size of overpayments that may be covered by this section; the timing, frequency, duration, and method of such recovery; limitations on the periodic amount of such recovery; a requirement that notice be provided to the employee prior to the commencement of such recovery; a requirement that the employer implement a procedure for disputing the amount of such overpayment or seeking to delay commencement of such recovery; the terms and content of such a procedure and a requirement that notice of the procedure for disputing the overpayment or seeking to delay commencement of such recovery be provided to the employee prior to the commencement of such recovery.
 - d) repayment of advances of salary or wages made by the employer to the employee. Deductions to cover such repayments shall be made in accordance with regulations promulgated by the commissioner for this purpose, which regulations shall include, but not be limited to, provisions governing: the timing, frequency, duration, and method of such repayment; limitations on the periodic amount of such repayment; a requirement that notice be provided to the employee prior to the commencement of such repayment; a requirement that the employer implement a procedure for disputing the amount of such repayment or seeking to delay commencement of such repayment; the terms and content of such a procedure and a requirement that notice of the procedure for disputing the repayment or seeking to delay commencement of such repayment be provided to the employee at the time the loan is made.
2. Deductions made in conjunction with an employer sponsored pre-tax contribution plan approved by the IRS or other local taxing authority, including those falling within one or more of the categories set forth in paragraph b of subdivision one of this section, shall be considered to have been made in accordance with paragraph a of subdivision one of this section.
3. a. No employer shall make any charge against wages, or require an employee to make any payment by separate transaction unless such charge or payment is permitted as a deduction from wages under the provisions of subdivision one of this section or is permitted or required under any provision of a current collective bargaining agreement.
- b. Notwithstanding the existence of employee authorization to make deductions in accordance with subparagraphs (iv), (ix), and (x) of paragraph b of subdivision one of this section and deductions determined by the commissioner to be similar to such deductions in accordance with subparagraph (xiv) of paragraph b of subdivision one of this section, the total aggregate amount of such deductions for each pay period shall be subject to the following limitations: (i) such aggregate amount shall not exceed a maximum aggregate limit established by the employer for each pay period; (ii) such aggregate amount shall not exceed a maximum aggregate limit established by the employee, which limit may be any amount (in ten dollar increments) up to the maximum amount established by the employer under subparagraph (i) of this paragraph; (iii) the employer shall not permit any purchases within these categories of deduction by the employee that exceed the aggregate limit established by the employee or, if no limit has been set by the employee, the limit set by the employer; (iv) the employee shall have access within the workplace to current account information detailing individual expenditures within these categories of deduction and a running total of the amount that will be deducted from the employee's pay during the next applicable pay period. Information shall be available in printed form or capable of being printed should the employee wish to obtain a listing. No employee may be charged any fee, directly or indirectly, for access to, or printing of, such account information.
- c. With the exception of wage deductions required or authorized in a current existing collective bargaining agreement, an employee's authorization for any and all wage deductions may be revoked in writing at any time. The employer must cease the wage deduction for which the employee has revoked authorization as soon as practicable, and, in no event more than four pay periods or eight weeks after the authorization has been withdrawn, whichever is sooner.
4. Nothing in this section shall justify noncompliance with article three-A of the personal property law relating to assignment of earnings, with section two hundred twenty-one of this chapter relating to company stores or with any other law applicable to deductions from wages

For more information, call or write the nearest office of the Division of Labor Standards:

Albany District

State Office Campus
Building 12
Room 185A
Albany, NY 12240
(518) 457-2730

Binghamton

Sub-District
State Office Building
44 Hawley Street
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Syracuse District

333 East Washington Street
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White Plains District

120 Bloomingdale Road
White Plains, NY 10605
(914) 997-9521



Notice and Acknowledgement of Pay Rate and Payday
Under Section 195.1 of the New York State Labor Law

Notice for Employees Paid a Weekly Rate or a Salary for a Fixed Number of Hours (40 or Fewer in a Week)

1. Employer Information

Name:

Doing Business As (DBA) Name(s):

FEIN (optional):

Physical Address:

Mailing Address:

Phone:

3. Employee's Pay Rate:

\$ _____ per _____

Weekly hours _____ (Specify the number of hours for which the weekly rate or salary will be paid.)

Employers may not pay a non-hourly rate to a non-exempt employee in the Hospitality Industry, except for commissioned salespeople.

4. Allowances taken:

- ☐ None
☐ Tips _____ per hour
☐ Meals _____ per meal
☐ Lodging _____
☐ Other _____

5. Regular payday: _____

6. Pay is:

- ☐ Weekly
☐ Bi-weekly
☐ Other

7. Overtime Pay Rate:

\$ _____ per hour (This must be at least 1½ times the worker's regular rate, with few exceptions.)

2. Notice given:

- ☐ At hiring
☐ Before a change in pay rate(s), allowances claimed or payday

8. Employee Acknowledgement:

On this day, I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday. I told my employer what my primary language is.

Check one:

- ☐ I have been given this pay notice in English because it is my primary language.
☐ My primary language is _____. I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Print Employee Name _____

Employee Signature _____

Date _____

Preparer Name and Title _____

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.

Please note: It is unlawful for an employee to be paid less than an employee of the opposite sex for equal work. Employers also may not prohibit employees from discussing wages with their co-workers.

Guidelines for Meal Periods

Section 162 of the New York State Labor Law provides as follows:

Time allowed for meals

1. Every person employed in or in connection with a factory shall be allowed at least sixty minutes for the noonday meal.
2. Every person employed in or in connection with a mercantile or other establishment or occupation coming under the provisions of this chapter shall be allowed at least thirty minutes for the noonday meal, except as in this chapter otherwise provided. The noonday meal period is recognized as extending from eleven o'clock in the morning to two o'clock in the afternoon. An employee who works a shift of more than six hours, which extends over the noonday meal period, is entitled to at least thirty minutes off within that period for the meal period.
3. Every person employed for a period or shift starting before eleven o'clock in the morning and continuing later than seven o'clock in the evening shall be allowed an additional meal period of at least twenty minutes between five and seven o'clock in the evening.
4. Every person employed for a period or shift of more than six hours starting between the hours of one o'clock in the afternoon and six o'clock in the morning, shall be allowed at least sixty minutes for a meal period when employed in or in connection with a factory, and forty-five minutes for a meal period when employed in or in connection with a mercantile or other establishment or occupation coming under the provision of this chapter, at a time midway between the beginning and end of such employment.
5. The commissioner may permit a shorter time to be fixed for meal periods than hereinbefore provided. The permit therefore shall be in writing and shall be kept conspicuously posted in the main entrance of the establishment. Such permit may be revoked at any time.

In administering this statute, the Department applies the following interpretations and guidelines:

Employee Coverage:

Section 162 applies to every "person" in any establishment or occupation covered by the Labor Law. Accordingly, all categories of workers are covered, including white-collar management staff.

Shorter Meal Periods:

The Department will permit a shorter meal period of not less than 30 minutes as a matter of course, without application by the employer, so long as there is no indication of hardship to employees. A meal period of not less than 20 minutes will be permitted only in special or unusual cases after investigation and issuance of a special permit.

One Employee Shift:

In some instances where only one person is on duty or is the only one in a specific occupation, it is customary for the employee to eat on the job without being relieved. The Department of Labor will accept these special situations as compliance with Section 162 where the employee voluntarily consents to the arrangements. However, an uninterrupted meal period must be afforded to every employee who requests this from an employer.

Not all possible meal period questions can be anticipated and, therefore, these "Guidelines" may not cover all situations that might arise. For additional information or assistance, contact any of the Division of Labor Standards offices listed below:

Albany District

State Office Campus
Bldg. 12 Room 185A
Albany, NY 12240
(518) 457-2730

Binghamton

Sub-District
44 Hawley Street
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Garden City, NY 11530
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(585) 258-4550

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333 East Washington
Street Room 121
Syracuse, NY 13202
(315) 428-4057

White Plains District

120 Bloomingdale Road
White Plains, NY 10605
(914) 997-9521

Notice and Consent for Direct Deposit

Employer Information

Name: _____

Address: _____

Employee Work Location: _____ Phone Number: _____

Methods of Payment

As a New York State employer, we must can pay your wages in cash or check. This does not require your approval. We may also pay your wages by direct deposit or payroll debit card. These forms of payment require you to approve. If you do not approve, we will pay you in cash or check.

If you would like to receive your wages by direct deposit to a financial institution of your choice, please read and sign below.

Direct Deposit Consent:

On this day I have been notified of my options of payment methods. I give consent to the above listed employer to pay my wages through Direct Deposit to a financial institution that I have selected.

1. Bank Name: _____

City, State: _____

Routing Transit #: _____ Account Number: _____

☐ Checking ☐ Savings ☐ Other I wish to deposit \$ _____ ☐ Entire Net Amount

2. Bank Name: _____

City, State: _____

Routing Transit #: _____ Account Number: _____

☐ Checking ☐ Savings ☐ Other I wish to deposit \$ _____ ☐ Entire Net Amount

Print Employee Name

Employee Signature

Date

Please note that we must receive your written consent at least seven business days prior to paying wages by direct deposit. You can also withdraw consent at anytime and discontinue your enrollment in the payroll debit card payment method.

NEW YORK CORRECTION LAW
ARTICLE 23-A

LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

§750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption. 1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement. 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.



Attention Miscellaneous Industry Employees

Minimum Wage hourly rates effective 12/31/2019 – 12/30/2020

New York City

Large Employers (11 or more employees)

Minimum Wage \$15.00

Overtime after 40 hours \$22.50

Tipped workers

At least **\$11.35 or \$12.75**

Overtime after 40 hours \$18.85 or \$20.25

Small Employers (10 or less employees)

Minimum Wage \$15.00

Overtime after 40 hours \$22.50

Tipped workers

At least **\$11.35 or \$12.75**

Overtime after 40 hours \$18.85 or \$20.25

Long Island and Westchester County

Minimum Wage \$13.00

Overtime after 40 hours \$19.50

Tipped workers

At least **\$9.80 or \$11.05**

Overtime after 40 hours \$16.30 or \$17.55

Remainder of New York State

Minimum Wage \$11.80

Overtime after 40 hours \$17.70

Tipped workers

At least **\$8.90 or \$10.05**

Overtime after 40 hours \$14.80 or \$15.95

If you have questions, need more information or want to file a complaint, please visit
www.labor.ny.gov/minimumwage or call: **1-888-469-7365**.

Credits and Allowances that may reduce your pay below the minimum wage rates shown above:

- **Tips** – Your employer may use a limited amount of your tips to reduce your wages. This is called a tip credit. Your employer may take a tip credit only if your tips plus wages add up to at least the minimum wage. They must still pay you at least the tipped wage rates shown above.
- **Meals and lodging** – Your employer may claim a limited amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are set forth in wage orders and summaries, which are available online.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

- **Overtime** – You must be paid 1½ times your regular rate of pay (no less than amounts shown above) for weekly hours over 40 (or 44 for residential employees).
Exceptions: Overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.
- **Call-in pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

New York State Department of Labor

Wage Theft Prevention Act

A law passed in 2010 gives more protection to workers in New York State. This law, the Wage Theft Prevention Act (WTPA), took effect on April 9, 2011. Here are some key provisions of the law that employers need to know.

What is New?

Public Notice of Violations

If an employer breaks certain parts of the law, the New York State Department of Labor (DOL) may post the violation in a place where employees can see it for up to a year.

For a willful failure to pay all wages under this law, DOL may post a summary of violations in a place where the public can see it, for up to 90 days. *It is a misdemeanor to remove or tamper with this notice without permission.*

What are Changes to Existing Law?

Enhanced Rules against Retaliation

The WTPA extends the protections under Labor Law Section 215. It also gives DOL more power to enforce this law.

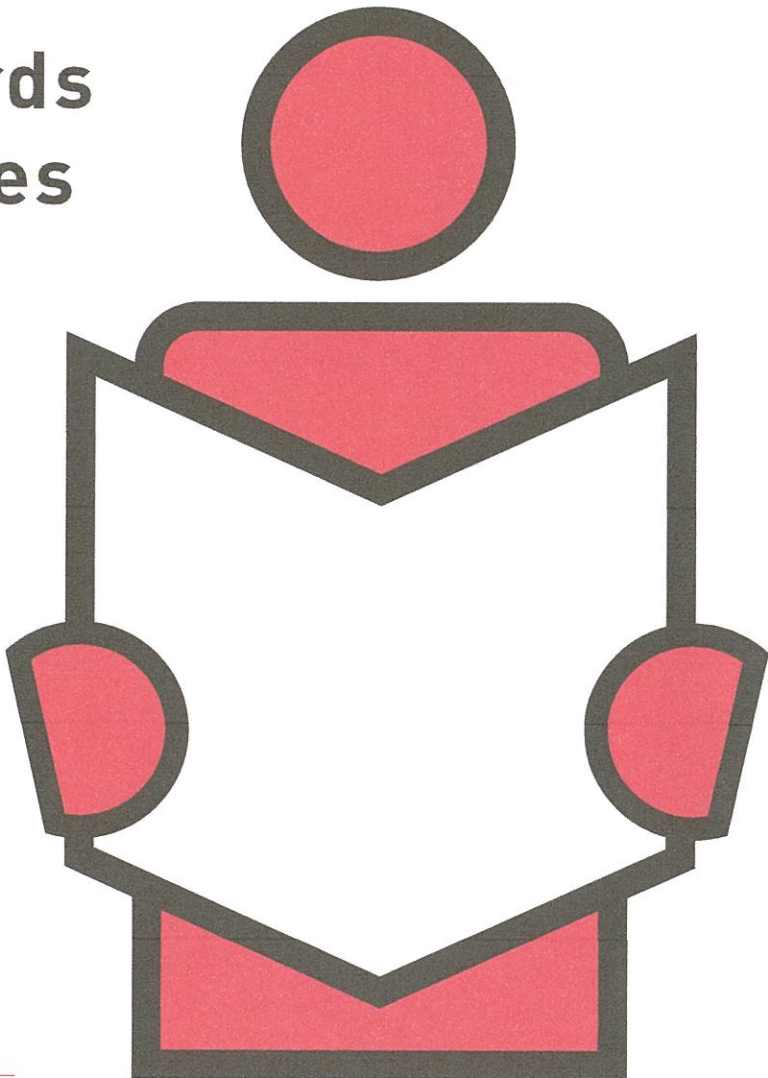
- It was always illegal to discharge, penalize and/or discriminate against an employee who makes a complaint. **Threats are now included as a form of retaliation.**
- In the past, we could only cite employers for retaliation. **Now, it is illegal for any person to retaliate.**
- In the past, penalties for breaking this rule meant we could fine an employer up to \$10,000. **Now, DOL can order the employer or the person who acted against the employee to pay liquidated damages. The payment can be up to \$20,000.**
- DOL may order the employer to reinstate the worker's job. **Or the employer may have to pay the person for lost salary or pay a lump sum in lieu of reinstatement.**
- **Retaliation carries criminal penalties for employee complaints about any section of the labor law.**
- The protection applies to any worker who alleges that the employer has done something that the employee thinks breaks a labor law or an Order issued by the Commissioner. **This applies even if the employee is mistaken about the law, if they acted in good faith. It applies even if the employee does not cite a specific part of the labor law.**
- **This law protects employees even if the employer incorrectly believes they made a complaint.**

YOU HAVE A RIGHT TO KNOW!

Your employer must inform
you of the health
effects and hazards
of toxic substances
at your
worksite.

Learn all
you can
about toxic
substances
on your job.

For more
information,
contact:



Name _____

Location & Phone Number _____

THE RIGHT TO KNOW LAW WORKS FOR YOU.
NEW YORK STATE DEPARTMENT OF HEALTH

Public Employees Job Safety & Health Protection

The New York State Public Employee Safety and Health Act of 1980 provides job safety and health for public workers through the promotion of safe and healthful working conditions throughout the State. The Act includes the following:

Employers

Employers must provide employees with a workplace that is:

- free from recognized hazards,
- in compliance with the safety and health standards that apply to the workplace, and
- in compliance with any other regulations issued under the PESH Act by the Commissioner of Labor.

Employees

Employees must comply with all safety and health standards that apply to their actions on the job. Employees must also comply with any regulations issued under the PESH Act that apply to their job.

Enforcement

The New York State Department of Labor administers and enforces the PESH Act. The Commissioner of Labor issues safety and health standards. The Department's Division of Safety and Health (DOSH) has Inspectors and Hygienists who inspect workplaces to make sure they are following the PESH Act.

Inspection

When DOSH staff inspect a workplace, a representative of the employer and a representative approved by the employees must be allowed to help with the inspection. When there is no employee-approved representative, DOSH staff must speak with a fair number of employees about the safety and health conditions in the workplace.

Order to Comply

If the Department believes an employer has violated the PESH Act, we will issue an order to comply notice to the employer. The order will list dates by which each violation must be fixed. If violations are not fixed by those dates, the employer may be fined.

Complaint

Any interested person may file a complaint if there are unsafe or unhealthful conditions in the workplace. This includes:

- An employee
- A representative of an employee
- Groups of employees
- A representative of a group of employees

Make this complaint in writing to the Department of Labor or by email to: Ask.SHNYPESH@dosh.state.ny.us. DOSH will not release the names of complainants in a complaint. The Department of Labor will not release the results of the complaint.

These complaints may also be made to the Department of Labor, Occupational Safety and Health Administration online at: www.osha-slc.com

Discrimination

Employees may not be fired or discriminated against for filing safety and health complaints or exercising their rights under the PESH Act.

If an employee believes that they have been discriminated against, he or she may file a complaint with the DOSH office. File this complaint with the DOSH office.

Voluntary Activity

The Department of Labor encourages employers to voluntarily:

- reduce workplace hazards, and
- develop and improve safety and health programs.



THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN RIGHTS LAW (EXECUTIVE LAW, ARTICLE 15)

ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK (LEY EJECUTIVA, SECCIÓN 15)

DISCRIMINATION BASED UPON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, PREGNANCY, GENDER IDENTITY OR EXPRESSION, DISABILITY OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW. SEXUAL HARASSMENT OR HARASSMENT BASED UPON ANY OF THESE PROTECTED CLASSES ALSO IS PROHIBITED.

LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK PROHÍBE LA DISCRIMINACIÓN POR EDAD, RAZA, CREDO, COLOR, ORIGEN NACIONAL, ORIENTACIÓN SEXUAL, ESTATUS MILITAR, SEXO, EMBARAZO, IDENTIDAD O EXPRESIÓN DE GÉNERO, DISCAPACIDAD O ESTADO CIVIL. TAMBIÉN ESTÁ PROHIBIDO EL ACOSO SEXUAL O EL ACOSO POR CUALQUIERA DE ESTAS CLASES PROTEGIDAS.

ALL EMPLOYERS (until February 8, 2020, only employers with 4 or more employees are covered), EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS

TODOS LOS EMPLEADORES (hasta el 8 de febrero de 2020, solo los empleadores de cuatro o más personas), AGENCIAS DE EMPLEO, ORGANIZACIONES DE TRABAJO Y PROGRAMAS DE CAPACITACIÓN DE APRENDICES

Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; hairstyles associated with race (also applies to all areas listed below); prior arrest or conviction record; predisposing genetic characteristics; familial status; pregnancy-related conditions; domestic violence victim status.

Asimismo, está prohibida la discriminación en el empleo sobre la base de la observancia del Shabat o prácticas religiosas; peinados asociados con la raza (también se aplica a las áreas enumeradas a continuación) arresto previo o antecedentes penales; las características genéticas predisponentes; el estado civil; las condiciones relacionadas con el embarazo.

Reasonable accommodations for persons with disabilities and pregnancy-related conditions including lactation may be required. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner.

Es posible que sea necesario hacer acomodos razonables para personas con discapacidades y condiciones relacionadas con el embarazo incluyendo lactación. Un arreglo razonable es una adaptación a un trabajo o entorno laboral que permita que una persona con discapacidad realice las tareas esenciales de un trabajo de manera razonable.

Also covered: domestic workers are protected from harassment and retaliation; interns and nonemployees working in the workplace (for example temp or contract workers) are protected from all discrimination described above.

También están cubiertos: trabajadores domésticos están protegidos en casos acoso y represalias; internos y no empleados cuales trabajan en el lugar de trabajo (por ejemplo trabajadores temporarios o contratantes) están protegido: de toda discriminación descrita arriba.

RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE, INCLUDING ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE

ALQUILER, ARRENDAMIENTO O VENTA DE VIVIENDA, TERRENO O ESPACIO COMERCIAL INCLUYENDO ACTIVIDADES DE AGENTE DE BIENES RAÍCES Y VENDEDORES

Also prohibited: discrimination on the basis of lawful source of income (for example housing vouchers, disability benefits, child support); familial status (families with children or being pregnant); prior arrest or sealed conviction; commercial boycotts or blockbusting

También esta prohibido: la discriminación a base de fuente de ingreso legal (por ejemplo vales, beneficios de discapacidad, manutención de niños); estado familiar (familias con niños o en estado de embarazo); arresto previo o condena sellada; boicot comercial o acoso inmobiliario.

Reasonable accommodations and modifications for persons with disabilities may also be required.

También es posible que sea necesario realizar modificaciones y arreglos razonables para personas con discapacidades.

Does not apply to:

Excepciones:

- (1) rental of an apartment in an owner-occupied two-family house
- (2) restrictions of all rooms in a housing accommodation to individuals of the same sex
- (3) rental of a room by the occupant of a house or apartment
- (4) sale, rental, or lease of accommodations of housing exclusively to persons 55 years of age or older, and the spouse of such persons

- (1) alquiler de un apartamento en una casa para dos familias ocupada por el dueño
- (2) restricciones de todas las habitaciones en una vivienda para individuos del mismo sexo
- (3) alquiler de una habitación por parte del ocupante de una casa o apartamento
- (4) venta, alquiler o arrendamiento de alojamiento en una casa exclusivamente a personas mayores de 55 años y al cónyuge de dichas personas

ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR PURCHASE, MAINTENANCE AND REPAIR OF HOUSING

También se prohíbe: discriminación en vivienda sobre la base del estado civil (por ejemplo, familias con hijos).

PLACES OF PUBLIC ACCOMMODATION SUCH AS RESTAURANTS, HOTELS, HOSPITALS AND MEDICAL OFFICES, CLUBS, PARKS AND GOVERNMENT OFFICES

TODAS TRANSACCIONES CREDITICIAS INCLUYENDO FINANCIAMIENTO PARA LA COMPRA, MANTENIMIENTO Y REPARACION DE VIVIENDAS

Exception:

LUGARES DE ALOJAMIENTO PÚBLICO, COMO RESTAURANTES, HOTELES, HOSPITALES Y CONSULTORIOS MÉDICOS, CLUBS, PARQUES Y OFFICINAS DEL GOBIERNO.

Age is not a covered classification relative to public accommodations. Reasonable accommodations for persons with disabilities may also be required.

Excepción:

EDUCATION INSTITUTIONS

La edad no es una clasificación cubierta respecto a los alojamientos públicos. Es posible que sea necesario realizar arreglos razonables para personas con discapacidades.

All public schools and private nonprofit schools, at all education levels, excluding those run by religious organizations.

INSTITUCIONES EDUCATIVAS

ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS MAY NOT EXPRESS ANY

Todas las escuelas publicas y escuelas privadas sin ánimo de lucro, en todos los niveles, excluyendo escuelas dirigidas por organizaciones religiosas.

PUBLICIDAD Y SOLICITUDES RELACIONADAS CON EL EMPLEO. LOS

Rights of Nursing Mothers to Pump Breast Milk at Work – Information for Employers

Employees have the right to pump breast milk at work: New York State Labor Law Section 206-c guarantees nursing mothers break time to pump breast milk at work.

Businesses covered: This law applies to all public and private employers in New York State, regardless of the size or nature of the business.

Employer notice requirement: All employers are required to inform employees who are returning to work following the birth of a child about their right to take unpaid leave for the purpose of pumping breast milk. As an employer, you can inform your employees of this right by putting up a public poster in the worksite, putting the information in the employee handbook, or notifying your employees individually in writing.

Employee notice requirement: Employees who want to pump breast milk at work must notify their employers in advance – preferably before they return to work from maternity leave.

Duration of the right to pump breast milk: A nursing mother may take break time to pump breast milk at work for up to three years following the birth of her child.

Length of breaks: Employers must give their employees at least 20 minutes for each break. Employees may take shorter breaks if they choose. Employees must be allowed more time if they need it.

Frequency and scheduling of breaks during the workday: Employers must allow employees who are nursing mothers to take

breaks at least once every three hours to pump breast milk. Employees can take these breaks right before or after their regularly scheduled paid break or meal periods. For example, an employee can take a 30-minute lunch break and then take a 20-minute break to pump breast milk directly after her lunch break, for a total of 50 minutes.

Effect of breaks on other break time: If an employee takes breaks to pump breast milk, her employer cannot deduct that time from her regular paid break or meal time.

Making up break time: Employers are required to let employees who are nursing mothers work before or after their normal shifts to make up for the break time they take to pump breast milk, as long as that time falls within the employer's normal work hours.

Breaks need not be paid: Employers do not have to pay employees who are nursing mothers for the break time they take to pump breast milk. Employees have the option of using their regular paid break or meal time to pump breast milk, but they are not required to do so. Employers must continue to pay any customarily paid regular break time for an employee who pumps breast milk.

Providing a place to pump breast milk: Employers are required to provide employees with a private room or other location close to the employees' work area where they can pump breast milk, unless it would be extremely difficult for an employer to do so. If the employer can't provide a dedicated



lactation room, a temporarily vacant room may be used instead. As a last resort, a cubicle can be used, but it must be fully enclosed with walls at least seven feet tall. You should consult with the Division of Labor Standards if you believe you cannot provide any place for an employee to pump breast milk.

Bathrooms prohibited: The room for location provided by an employer to pump breast milk cannot be a restroom or toilet stall.

Lactation room requirements: The place where employees pump breast milk must contain a chair and small table or other flat surface. The Department of Labor encourages employers to provide, in addition, an electrical outlet, clean water supply, and access to a refrigerator where nursing mothers can store pumped milk.

Privacy of the lactation room: The room or place provided by the employer cannot be open to other employees, customers, or members of the public while an employee is pumping breast milk. It should have a door with a functional lock, or, in the case of a cubicle, a sign warning the location is in use and not accessible to others.

Discrimination and retaliation prohibited: Employers may not discriminate or retaliate in any way against any employee who chooses to pump breast milk in the workplace or who files a complaint with the Department of Labor. The Department takes allegations of retaliation very seriously and will investigate promptly.

Complaint process: Any party may file a confidential complaint with the New York State Department of Labor's Division of Labor Standards alleging non-compliance with this law.

Similar federal law: Recent amendments to the Fair Labor Standards Act also protect the rights of nursing mothers to pump breast milk at work. For more information, contact the Wage and Hour Division of the U.S. Department of Labor at 1-866-4USWAGE.

Additional information: The Department of Labor has issued guidelines regarding the rights of nursing mothers to pump breast milk in the workplace. They are available online at <http://www.labor.ny.gov/formsdocs/wp/LS702.pdf>. In addition, you may call us at 1-888-52-LABOR, email us at LSAsk@labor.state.ny.us, or come in to the nearest Labor Standards office for more information. A list of our offices is available at <http://www.labor.ny.gov/workerprotection/laborstandards/workprot/lstdists.shtm>.