



Division of Labor Standards

Overview of New York State's Labor Laws



Employment Posters Information

In response to your request for required employment posters, we are pleased to send the following, which are within the jurisdiction of the Division of Labor Standards and are mandated by New York State Labor Law:

Minimum Wage Poster

Working Hours for Minors: Prepare and conspicuously display your own notice showing the daily starting and ending times, including meal periods, for every day each minor is scheduled to work. A copy of “Permitted Working Hours for Minors Under 18 Years of Age” (LS-171) is enclosed.

Notice of Fringe Benefits and Hours Posting: Either prepare and conspicuously display your own notice delineating your company’s policy concerning fringe benefits and working hours or distribute a copy of your policy to each employee. “Notice Requirements for Fringe Benefits and Hours” (LS-606) is enclosed.

Prohibited Wage Deductions and Tip Appropriation Posting: Employers engaged in the sale or service of food or beverages are required to post a copy of Labor Law Sections 193 (prohibited deductions from wages) and 196-d (appropriation of tips). A copy of each Section is enclosed.

For additional information or assistance, contact any of the Division of Labor Standards offices listed on the reverse side.

Other Posters

These required posters are available from the New York State Department of Labor Unemployment Insurance Division and other agencies:

Unemployment Insurance Poster: Issued by the New York State Department of Labor, Unemployment Insurance Division, Registration Section, 1220 Washington Ave., Room 363, Albany, NY 12226, (518) 485-8589, following your registration.

Workers Compensation and Disability Benefits Posters: Obtain from your insurance carrier.

Human Rights Poster (Anti-Discrimination Laws): Obtain from the New York State Division of Human Rights, Public Information, 1 Fordham Plaza, 4th Floor, Bronx, NY 10458, (718) 741-8400.

Federal Posters: Obtain from the United States Department of Labor and the Equal Opportunity Commission. To locate the offices nearest you, consult the blue pages of your telephone directory under, “United States Government Offices.”

District Offices:

Albany District

1220 Washington Ave.
Bldg. 12 Room 185A
Albany, NY 12226
(518) 457-2730

Buffalo District

295 Main Street
Suite 914
Buffalo, NY 14203
(716) 847-7141

New York City District

55 Hanson Place
11th Floor
Brooklyn, NY 11217
(212) 775-3880

Syracuse District

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

Bronx District

55 Hanson Place
11th Floor
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(212) 775-3597

Garden City District

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276 Waring Road
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(585) 258-4550

White Plains District

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



WAGE THEFT PREVENTION ACT

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

PUBLIC NOTICE OF VIOLATIONS

If an employer breaks certain parts of the law, the New York State Department of Labor 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, the New York State Department of Labor 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.**

ENHANCED RULES AGAINST RETALIATION

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

1. 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.
2. In the past, we could only cite employers for retaliation; now, it is illegal for any person within an organization/company to retaliate.
3. In the past, penalties for breaking this rule meant we could fine an employer up to \$10,000. Now, the Department of Labor can order the employer or the person who acted against the employee to pay liquidated damages. The payment can be up to \$20,000.
4. The Department of Labor may order the employer to reinstate the worker's job. The employer may have to pay the person for lost salary, or pay a lump sum in lieu of reinstatement.
5. Retaliation carries criminal penalties for employee complaints about any section of the labor law.

6. 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.
7. This law protects employees even if the employer incorrectly believes they made a complaint.

WRITTEN NOTICE

The law already required employers to give notice to employees of their wage rates at the time of hire. Now, the WTPA requires employers to give a written notice to each new hire. The notice must include:

1. Rate or rates of pay, including overtime rate of pay (if it applies).
2. How the employee is paid – by the hour, shift, day, week, commission, etc.
3. Regular payday.
4. Official name of the employer and any other names used for business (DBA).
5. Address and phone number of the employer's main office or principal location.
6. Allowances taken as part of the minimum wage (tip, meal and lodging deductions).
7. In the past, the notices were in English; now, the notice must appear both in English and in the employee's primary language (if the Department of Labor offers a translation).
8. Employers must have each employee sign and date the completed notice; employers must provide a copy to each employee.

9. If any data in the notice changes, the employer must tell employees at least a week before it happens unless they issue a new paystub that carries the notice. The employer must notify an employee in writing before they reduce the employee's wage rate. Employers in the hospitality industry must give notice every time a wage rate changes.
10. Employers that do not give notice may have to pay damages of up to \$50 per day, per employee, unless they paid employees all wages required by law (This stops at \$5,000 per employee in civil lawsuits filed by workers.)

11. PAYROLL RECORDS

Under prior law, some of the recordkeeping requirements were in the statute, while others were in the regulations. Now, the requirements are part of the law, which makes it easier for employers to understand their obligations. However, industry-specific regulations will still have some additional requirements. Employers must:

- Keep records for six years; records include the new notice and acknowledgment and payroll records
- Keep accurate records of hours worked by employees and wages paid; now, the law clarifies that employers must keep the records on an ongoing basis; the employer may not make up the records after the fact at the end of the week, month or year

For each week an employee works, the payroll records must contain:

- Hours worked (regular and overtime)
- Rate or rates of pay (regular/overtime)
- How the employee is paid – by the hour, shift, day, week, commission, etc.
- Pay at the piece rate must show what rates apply and the number of pieces at each rate
- Employee's gross and net wages
- Itemized deductions
- Itemized allowances and credits claimed by the employer, if any (tip, meal and lodging allowances or credits)

WAGE STATEMENTS

Under the new law, employers must:

1. Give each employee a wage statement or pay stub each payday that lists all of the above payroll data plus:
 - Employee's name
 - Employer's name, address and phone number
 - Dates covered by the payment
2. Give any employee who asks a written explanation of how they computed wages.

Employers that do not give wage statements may have to pay damages of up to \$250 per day, per employee, unless they paid employees all wages required by law. (This stops at \$5,000 per employee in civil lawsuits filed by employees.)

DAMAGES AND OTHER PENALTIES

The WTPA provides for higher penalties when an employer fails to pay the wages required by law:

1. Under prior law, liquidated damages only covered up to 25% of the unpaid wages. Now, the law provides for liquidated damages on up to 100% of the unpaid wages. Once the Department of Labor issues an Order to Comply, it includes 100% liquidated damages, as well as other civil penalties and interest.
2. If the violation is for other than wages, benefits or wage supplements, the Department of Labor may assess civil penalties for each violation. This means up to \$1,000 for a first violation, \$2,000 for a second, and \$3,000 for third and subsequent violations.
3. If the Labor Commissioner has issued an Order to Comply against an employer who does not pay the money owed, then 10 days after the appeal period ends, the Department of Labor can require them to post a bond and/or provide a list of their assets. If employers fail to do so, the Commissioner may bring a court case against them. For failure to provide the list of assets, the Department of Labor may impose a penalty of up to \$10,000.
4. The WTPA permits the Department of Labor to add 15% in damages to a judgment if the employer fails to pay in full within 90 days of the final Order to Comply.

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 postsecondary 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.
- 5. There is no exception to liability under this section for the unauthorized failure to pay wages, benefits or wage supplements.

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

Albany District

1220 Washington Ave.
Bldg. 12 Room 185A
Albany, NY 12226
(518) 457-2730

Buffalo District

295 Main Street
Suite 914
Buffalo, NY 14203
(716) 847-7141

New York City District

55 Hanson Place
11th Floor
Brooklyn, NY 11217
(212) 775-3880

Syracuse District

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

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(914) 997-9521

Wage Statement (pay stub): Required Information under Section 195.3

1. Employer name, address, and phone number

2. Employee name

3. Dates covered by payment

ABC Company, Inc. 1 Main Street Anytown, NY 12000 Ph: 518-457-9000	Pay Period: 1/8/26 - 1/14/26	Pay Date: 1/17/26	No: 0001						
Employee: John Doe									
Rate: Hourly	Hours Regular	Hours Overtime	Allowance/ Credit	Gross Current	Gross Year to Date	Deductions Current	Deductions Year to Date	Net Pay	Vacation Year to Date
16.00	40			640	1280				
24.00		5		120	240				
						FICA	-xxxx	-xxxx	
						Fed WT	-xxxx	-xxxx	
						NY WT	-xxxx	-xxxx	
						Disability	-xxxx	-xxxx	
						Garnishment	-xxxx	-xxxx	
						Paid Family Leave	-.65	-1.30	
Uniform pay			19.85	19.85	39.70				
Meals (3)			16.50	16.50	33.00	-16.50	-33.00		
Vacation Hours Earned		.75							1.50
				796.35	1592.70	-17.15	-34.30	\$779.20	

- 4. Basis of payment (hourly, salary, etc.)
- 5. Rates paid (regular and overtime)
- 6. Hours worked (regular and overtime)
- 7. Allowances or Credits
- 8. Gross wages
- 9. Any deductions from wages
- 10. Net wages

This sample wage statement shows the basic requirements under Section 195.3 for a non-exempt employee paid by the hour, covered by the Miscellaneous Wage Order. Please note that there may be additional requirements based upon the specific pay agreement and/or wage order coverage. Some employee wage statements must also include the following; The benefit portion of the minimum rate of **home care aide total compensation** as defined in section thirty-six hundred fourteen-c of the public health law ("home care aide benefits"), if applicable; prevailing wage supplements, if any, claimed as part of any **prevailing wage or similar requirement pursuant to article eight of the Labor Law**; and net wages. Where such prevailing wage supplements are claimed, or such home care aide benefits are provided, the statement shall either: (i) identify the type of each supplement claimed, or the type of each home care aide benefits provided, and the hourly rate for each; or (ii) be accompanied by a copy of the applicable notice required under subdivisions one and two of this section.

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.

Tip Appropriation

Section 196-d of the New York State Labor Law

Section 196-d. Gratuities. No employer or his agent or an officer or agent of any corporation, or any other person shall demand or accept, directly or indirectly, any part of the gratuities, received by an employee, or retain any part of a gratuity or of any charge purported to be a gratuity for an employee. This provision shall not apply to the checking of hats, coats or other apparel. Nothing in this subdivision shall be construed as affecting the allowances from the minimum wage for gratuities in the amount determined in accordance with the provisions of article nineteen of this chapter nor as affecting practices in connection with banquets and other special functions where a fixed percentage of the patron's bill is added for gratuities which are distributed to employees, nor to the sharing of tips by a waiter with a busboy or similar employee.

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

1220 Washington Ave.
Bldg. 12 Room 185A
Albany, NY 12226
(518) 457-2730

Buffalo District

295 Main Street
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Guidelines for Civil Penalties Effective May 9, 2025 for Child Labor Violations

Section 141 of the New York State Labor Law provides for the imposition of civil penalties of not more than \$10,000 for a first violation, \$25,000 for a second violation and \$55,000 for a third or subsequent violation of Article 4 governing the employment of minors under 18 years of age by an employer.

The following guidelines establish a range of monetary assessments for various types of violations. They are general in nature and may not cover every specific situation. In determining the appropriate monetary amount within the range shown, consideration will be given to the criteria enumerated in the statute, namely “the size of the employer’s business, the good faith of the employer, the gravity of the violation, the history of previous violations and the failure to comply with record keeping or other requirements.” For example, the penalty for a larger firm (25 or more employees) would tend to be in the higher range since such firms should have knowledge of the laws. The gravity of the violation would depend on such factors as the age of the minor, whether required to be in school, and the degree of exposure to the hazards of prohibited occupations. Failure to keep records of the hours of work of the minors would also have a bearing on the size of the penalty.

Penalties

First Violation	\$0 - \$10,000
Second Violation	\$2,000 - \$25,000
Third and Subsequent Violation	\$10,000 - \$55,000

Please note: If the violation involves illegal employment during which a minor is seriously injured or dies, penalties may range from \$3,000 (first violation) to \$175,000 (third or subsequent violation). A minor shall be deemed to be seriously injured if such injury results in permanent partial or permanent total disability, as determined by the Worker’s Compensation Board.

Penalties May Be Assessed for Violations Pertaining to:

1. Employment of minors under fourteen years of age. (Sec. 130)
2. Employment of minors fourteen or fifteen years of age. (Sec. 131)
3. Employment of minors sixteen or seventeen years of age. (Sec. 132)
4. Prohibited employment of minors. (Sec. 133)
5. Placement of minors by employment agencies. (Sec. 134)
6. Duties of Employers. (Sec. 135)
7. Employment of persons apparently under eighteen years of age. (Sec. 138)
8. Enforcement of violations relating to child performers, child models, street-trades and newspaper carriers. (Sec. 140) (ACAL 35.01) (Ed. L. 3227, 3228)
9. Hours of work for minors fourteen and fifteen years of age. (Sec. 142)
10. Hours of work for minors sixteen and seventeen years of age. (Sec. 143)
11. Posting of hours. (Sec. 144)

Right to Appeal - If the employer is aggrieved by the assessment of a civil penalty, the employer has the right to appeal to the Industrial Board of Appeals (1220 Washington Ave., Building 12, Room 136, Albany, New York 12226) within 60 days of the date of issuance of an Order to Comply as prescribed by the Board’s Rules of Procedure.

Summary of New York State Child Labor Law, Permitted Working Hours for Minors Under 18 Years of Age

Age of Minor Girls and Boys		Industry or Occupation	Maximum			Permitted Hours
			Daily Hours	Weekly Hours	Days per Week	
Attending School, When school is in session:	14 and 15	All occupations except farm work, newspaper carrier and street trades.	3 hours on school days. 8 hours on other days.	18 ¹	6	7 AM to 7 PM
	16 and 17	All occupations except farm work, newspaper carrier and street trades.	4 hours on days preceding school days: Monday, Tuesday, Wednesday, Thursday ² . 8 hours on: Friday, Saturday, Sunday and Holidays ⁴ .	28 ⁴	6 ⁴	6 AM to 10 PM ³
Attending School, When school is not in session (vacation):	14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
	16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours ⁴	48 ⁴	6 ⁴	6 AM to Midnight ⁴
Not Attending School:	16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours ⁴	48 ⁴	6 ⁴	6 AM to Midnight ⁴
Farm Work:	12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours	-----	-----	June 21 to Labor Day, 7 AM to 7 PM. Day after Labor Day to June 20, 9 AM to 4 PM.
	14 to 18	Any farm work.	-----	-----	-----	-----
Newspaper Carriers:	11 to 18	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days. 5 hours on other days.	-----	-----	5 AM to 7 PM or 30 minutes prior to sunset, whichever is later
Street Trades:	14 to 18	Self-employed work in public places selling newspapers or work as a bootblack.	4 hours on school days. 5 hours on other days.	-----	-----	6 AM to 7 PM

¹ Students 14 and 15 enrolled in an approved work/study program may work 3 hours on a school day, 23 hours in any one-week when school is in session.

² Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday when school is in session, as long as the hours are in conjunction with the Program.

³ 6 AM to 10 PM or until midnight with written parental and educational authorities consent on day preceding a school day and until midnight on day preceding a non-school day with written parental consent.

⁴ This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

Additional Child Labor Law Information

The Employer must post a schedule of work hours for minors under 18 years old in the establishment.

An Employment Certificate (Working Paper) is required for all employed minors under 18 years old.

Penalties for Child Labor Laws violations:

- First violation: maximum \$1,000*
- Second violation: maximum \$2,000*
- Third or more violations: maximum \$3,000*

*If a minor is seriously injured or dies while illegally employed, the penalty is three times the maximum penalty.

Also, Section 14A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.

Note: There are many prohibited occupations for minors in New York State.

For more information about New York State Child Labor Laws and provisions please visit the Department of Labor's website at <http://www.labor.ny.gov>. If you have questions, please send them to one of the offices listed below at:

New York State Department of Labor, Division of Labor Standards:

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1220 Washington Ave.
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Fringe Benefits

Section 198c of the New York State Labor Law

Section 198c. Benefits or wage supplements.

1. In addition to any other penalty or punishment otherwise prescribed by law, any employer who is party to an agreement to pay or provide benefits or wage supplements to employees or to a third party or fund for the benefit of employees and who fails, neglects or refuses to pay the amount or amounts necessary to provide such benefits or furnish such supplements within thirty days after such payments are required to be made, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section on hundred ninety-eight-a of this article. Where such employer is a corporation, the president, secretary, treasurer or officers exercising corresponding functions shall each be guilty of a misdemeanor.
2. As used in this section, the term “benefits or wage supplements” includes, but is not limited to, reimbursement for expenses; health, welfare and retirement benefits; and vacation, separation or holiday pay.
3. This section shall not apply to any person in a bona fide executive, administrative, or professional capacity whose earnings are in excess of thirteen hundred dollars a week.

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

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1220 Washington Ave.
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(518) 457-2730

Buffalo District

295 Main Street
Suite 914
Buffalo, NY 14203
(716) 847-7141

New York City District

55 Hanson Place
11th Floor
Brooklyn, NY 11217
(212) 775-3880

Syracuse District

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

Bronx District

55 Hanson Place
11th Floor
Brooklyn, NY 11217
(212) 775-3597

Garden City District

400 Oak Street
Suite 102
Garden City, NY 11530
(516) 794-8195

Rochester District

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

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

1220 Washington Ave.
Bldg. 12 Room 185A
Albany, NY 12226
(518) 457-2730

Buffalo District

295 Main Street
Suite 914
Buffalo, NY 14203
(716) 847-7141

New York City District

55 Hanson Place
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Brooklyn, NY 11217
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(914) 997-9521

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Department
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PAID PRENATAL LEAVE LAW

Employer Fact Sheet

Starting January 1, 2025, the **New York State Paid Prenatal Leave Law** (NYS Labor Law Section 196-b) requires all private-sector employers in New York State to provide their employees with 20 hours of Paid Prenatal Leave each year. All private sector employees are entitled to Paid Prenatal Leave including those that work part-time or are overtime exempt.

COVERED PRENATAL HEALTH CARE SERVICES

Employees are entitled to take Paid Prenatal Leave for prenatal health care appointments during or related to their pregnancy.

Pregnancy-related health care appointments include:

- physical examinations
- medical procedures
- monitoring
- testing
- discussions with a health care provider needed to ensure a healthy pregnancy
- end of pregnancy care
- fertility treatment

Only the employee directly receiving prenatal health care may use Paid Prenatal Leave. A spouse, partner, or another support person attending prenatal appointments with a pregnant person is not entitled to Paid Prenatal Leave.

Health care appointments after pregnancy are not covered by Paid Prenatal Leave.

EXISTING LEAVE POLICIES

Paid Prenatal Leave is a separate, stand-alone benefit from other leave laws and policies, such as the New York State Sick Leave. Employers must provide 20 hours of Paid Prenatal Leave to their employees annually **in addition to** any other leave options available to them.

An employee has the option to use NYS Sick Leave, Paid Prenatal Leave, or an existing employer leave policy to attend prenatal health care appointments. However, an employer **cannot** require an employee to use one leave type over another.

NO MINIMUM WORK REQUIREMENT

An employee does not need to work a minimum number of hours to accrue Paid Prenatal Leave. All employees working for a private sector employer, including newly hired employees, are automatically entitled to 20 hours of Paid Prenatal Leave, each year.

TRIGGER DATE AND RECORD KEEPING

Paid Prenatal Leave is measured in 52-week periods. An employee is entitled to 20 hours beginning on the date they first utilize the leave and ending 52 weeks later. For example, if an employee uses Paid Prenatal Leave for the first time on June 1st, 2025, they are entitled to 20 hours of Paid Prenatal Leave between June 1st, 2025, and May 31st, 2026. If after May 31st, 2026, that same employee next needs to use Paid Prenatal Leave on August 2nd, 2026, that date would trigger the start of 52 weeks for which the employee is entitled to 20 hours Paid Prenatal Leave.

Unused benefit hours do not carry over to the following 52-week period and all employees, regardless how long they have been with the employer, are entitled to 20 hours of leave.

While the law does not specifically require recordkeeping on paystubs, it is a best practice to maintain clear records of available types of leave and amounts of types of leave used in a manner accessible to both the employer and employee.

COMPENSATION FOR PAID PRENATAL LEAVE

Employers must pay employees using Paid Prenatal Leave at their regular rate of pay, or at the appropriate minimum wage for their occupation, whichever is greater.

If an employee stops working for an employer without using all of their Paid Prenatal Leave, the employer is not required to pay an employee for any unused Paid Prenatal Leave hours.

DISCLOSURE OF HEALTH DETAILS PROHIBITED

An employer cannot ask an employee for personal or confidential information about their health or the nature of their prenatal visit as a condition of using Paid Prenatal Leave. An employer also cannot request that an employee submit medical records to use Paid Prenatal Leave.

TIME-OFF NOTIFICATION PROCEDURES

Employees should request or notify their employer that they are using Paid Prenatal Leave in the same way they would request or notify their employer of other types of time off at their workplace. The New York State Department of Labor encourages employers to communicate to their employees what notification or request procedures they should follow when requesting time off. Employers must allow employees to use Paid Prenatal Leave when they request it, until all 20 hours of leave they are entitled to each year have been used.

PAID PRENATAL LEAVE HOURS

Employers must permit employees to take Paid Prenatal Leave in hourly increments. For example, if an employee only needs 1 hour of Paid Prenatal Leave to attend a prenatal health care appointment, but is available to work the remaining hours in the work day, they must be permitted to do so.

RETALIATION AND DISCRIMINATION PROHIBITED

It is against the law for employers to retaliate or discriminate against employees for requesting and using Paid Prenatal Leave. Examples of employer retaliation may include:

- Reducing the number of hours of sick leave, vacation leave, or other leave an employee is entitled to because an employee uses Paid Prenatal Leave.
- Changing an employee's work location or hours after an employee requests to use Paid Prenatal Leave.
- Firing or demoting an employee after they request to use Paid Prenatal Leave.

To learn more about employer retaliation visit dol.ny.gov/retaliation. To learn more about employers responsibilities toward pregnant employees visit: [ny.gov/working-while-pregnant-know-your-rights/guidance-employers-pregnant-or-breastfeeding-employees](https://dol.ny.gov/working-while-pregnant-know-your-rights/guidance-employers-pregnant-or-breastfeeding-employees).

For more information about Paid Prenatal Leave, including frequently asked questions, visit: [ny.gov/programs/new-york-state-paid-prenatal-leave](https://dol.ny.gov/programs/new-york-state-paid-prenatal-leave).

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Department
of Labor

POLICY ON THE RIGHTS OF EMPLOYEES TO EXPRESS BREAST MILK

in the Workplace

INTRODUCTION AND PURPOSE

New York State Labor Law Section 206-c gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

USING BREAK TIME FOR BREAST MILK EXPRESSION

Employers must provide thirty (30) minutes of paid break time for their employees to express breast milk when the employee has a reasonable need to express breast milk. Employees must be permitted to use existing paid break or meal time if they need additional time for breast milk expression beyond the paid 30 minutes. This time must be provided for up to three years following childbirth. Employers must provide paid break time as often as an employee reasonably needs to express breast milk. The number of paid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employer is prohibited from requiring an employee to work before or after their normal shift to make up for any time used as paid break time to express breast milk.

All employers must continue to follow existing federal and state laws, regulations, and guidance regarding mealtimes and paid break time regardless of whether the employee uses such time to express breast milk. For additional information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

- NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods:
dol.ny.gov/day-rest-and-meal-periods
- NY Department of Labor FAQs on Meal and Rest Periods:
dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf
- U.S. Department of Labor FLSA FAQ on Meal and Rest Periods:
dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked
- U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk:
dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers

While an employer cannot require that an employee works while expressing breast milk, Labor Law 206-c does not otherwise prevent an employee from voluntarily choosing to do so if they want to.

Paid breaks provided for the expression of breast milk must be 30 minutes. An employee must be allowed to use regular break or meal time to take a longer paid break if needed. Employees may also opt to take shorter paid breaks.

Employees who work remotely have the same rights to paid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

MAKING A REQUEST TO EXPRESS BREAST MILK AT WORK

If an employee wants to express breast milk at work, they must give the employer reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the employer time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days.

Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

LACTATION ROOM REQUIREMENTS

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. **The space provided for breast milk expression cannot be a restroom or toilet stall.**

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee's needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering.

In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace.

Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible.

Undue hardship is defined in the statute as "causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." **However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.**

NEW YORK STATE DEPARTMENT OF LABOR RESOURCES

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor's Division of Labor Standards. Call us at **1-888-52-LABOR**, email us at LSAsk@labor.ny.gov, or visit our website at dol.ny.gov/breast-milk-expression-workplace to file a complaint.

A list of our offices is available at dol.ny.gov/location/contact-division-labor-standards.

Complaints are confidential.

FEDERAL RESOURCES

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit dol.gov/agencies/whd/pump-at-work.

NEW YORK STATE PAID SICK LEAVE FAQ

All private sector workers in New York State are now covered under the state's new sick and safe leave law, regardless of industry, occupation, part-time status, overtime exempt status, and seasonal status.

The law requires employers with five or more employees to provide their employees with paid sick and safe leave. Businesses with fewer than five employees and a net income of \$1 million or less must provide unpaid sick and safe leave to employees.

AMOUNT OF LEAVE

Employees will receive an amount of sick leave depending on the size of their employer:

Number of Employees	Employer Sick Leave Requirements
0 - 4	If net income is \$1 million or less in the previous tax year, the employer is required to provide up to 40 hours of unpaid sick leave per calendar year.
0 - 4	If net income is greater than \$1 million in the previous tax year, the employer is required to provide up to 40 hours of paid sick leave per calendar year.
5 - 99	Up to 40 hours of paid sick leave per calendar year.
100+	Up to 56 hours of paid sick leave per calendar year.

For counting employees, small employers who reported a net income of less than \$1 million do not need to pay their employees sick leave, but must provide the additional allotted leave time. Note: "calendar year" means the 12-month period from January 1 to December 31. For other purposes, including use and accrual of leave, employers may set a calendar year to mean any 12-month period.

DEFINITIONS

WHO QUALIFIES AS A "FAMILY MEMBER" FOR THE PURPOSES OF THIS LAW?

"Family member" is defined as an employee's child, spouse, domestic partner, parent, sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner. "Parent" is defined as a biological, foster, step, or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child. "Child" is defined as a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

WHAT IS A CALENDAR YEAR?

To determine the total number of employees, "calendar year" means the 12-month period from January 1 to December 31. For other purposes, including use and accrual of leave, employers may set a calendar year to mean any 12-month period.

CAN AN EMPLOYER REQUIRE AN EMPLOYEE TO TELECOMMUTE OR WORK FROM HOME INSTEAD OF TAKING SICK LEAVE?

No. An employer cannot require an employee to work from home or telecommute instead of taking sick leave. But an employer can offer the employee the options of working from home or telecommuting. If employees voluntarily agree to work from home or telecommute, employees will retain the paid or unpaid sick leave that they have accrued.

Sick Leave

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care.

Safe Leave

- For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:
 - to obtain services from a domestic violence shelter, rape crisis center, or other services program;
 - to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
 - to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
 - to file a complaint or domestic incident report with law enforcement;
 - to meet with a district attorney's office;
 - to enroll children in a new school; or
 - to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

WHO IS ELIGIBLE

All private-sector employees in New York State are covered, regardless of industry, occupation, part-time status, and overtime exempt status. Federal, state, and local government employees are **NOT** covered, but employees of charter schools, private schools, and not-for-profit corporations are covered.

LEAVE INCREMENTS

Employers are permitted to require that leave be used in increments (e.g., 15 minutes, 1 hour, etc.) but may not set the minimum increment at more than 4 hours.

Employers are permitted to limit the leave taken in any year to the maximum amount required to be provided to such employee (e.g., 40 hours for midsized employers and 56 hours for large employers). Any limitations permitted by the law must be put into writing and either posted or given to employees.

Employers must notify employees in writing or by posting a notice in the worksite, prior to the leave being earned, of any restrictions in their leave policy affecting the employees' use of leave, including any limitations on leave increments.

RATE OF PAY

Employees must be paid their normal rate of pay for any paid leave time under this law, or the applicable minimum wage rate, whichever is greater. No allowances or credits (e.g., tip credits) may be claimed for paid leave hours, and employers are prohibited from reducing an employee's rate of pay for sick leave hours only.

ALTERNATIVE ACCRUAL SYSTEM

As an alternative to employees accruing 1 hour for every 30 hours worked, employers may choose to provide the full amount of sick leave required by this law at the beginning of each calendar year (e.g., a business with over a 100 employees could provide 56 hours of sick leave to each employee starting January 1 of each year or at the beginning of a twelve month period as determined by the employee. Such up-front sick leave is not subject to later revocation or reduction if, for instance, the employee works fewer hours than anticipated by the employer).

EXISTING POLICIES

If an employer, including those covered by a collective bargaining agreement, has an existing leave policy (sick leave or other time off) that meets or exceeds the accrual, carryover, and use requirements, this law does not present any further obligations on that employer.

COLLECTIVE BARGAINING AGREEMENTS

Collective bargaining agreements that are entered into after September 30, 2020 are not required to provide the sick leave described above so long as the agreement provides for comparable benefits/paid days off for employees and specifically acknowledges the provisions of Labor Law 196-b. For the purposes of collective bargaining agreements, the Department of Labor considers leave time which has fewer restrictions on its use to be comparable to that required by this law, regardless of the label of such leave (e.g., annual or vacation time) and multiple leave benefits which meet the use requirements of this law may be combined to satisfy the “comparable benefit” requirement. To satisfy the requirements of this law, any agreement entered into after September 30, 2020 must specifically reference Labor Law Section 196-b.

RETALIATION

An employer cannot retaliate against an employee in any way for exercising their rights to use sick leave. Furthermore, employees must be restored to their position of employment as it had been prior to any sick leave taken. Employees who believe that they have been retaliated against for exercising their sick leave rights should contact the Department of Labor’s Anti-Retaliation Unit at **888-52-LABOR** or **LSAsk@labor.ny.gov**. **Recordkeeping.**

Employers must keep payroll records for six years which must include the amount of sick leave accrued and used by each employee on a weekly basis.

Upon the request of an employee, employers are required provide, within three business days, a summary of the amounts of sick leave accrued and used by the employee in the current calendar year and/or any previous calendar year.

RECORDKEEPING

Employers must keep payroll records for six years which must include the amount of sick leave accrued and used by each employee on a weekly basis.

Upon the request of an employee, employers are required provide, within three business days, a summary of the amounts of sick leave accrued and used by such employee in the current calendar year and/or any previous calendar year.

For more information about New York State’s Paid Sick Leave, including additional FAQs, regulations, and more, please visit **ny.gov/paidsickleave**.

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NEW YORK STATE PAID SICK AND SAFE LEAVE

All private sector workers in New York State are now covered under the state's new sick and safe leave law, regardless of industry, occupation, part-time status, overtime exempt status, and seasonal status.

The law requires employers with five or more employees to provide their employees with paid sick and safe leave. Businesses with fewer than five employees and a net income of \$1 million or less must provide unpaid sick and safe leave to employees.

AMOUNT OF LEAVE

Employees will receive an amount of sick and safe leave depending on the size of their employer:

Number of Employees	Employer Leave Requirements
0 - 4	If net income is \$1 million or less in the previous tax year, the employer is required to provide up to 40 hours of unpaid sick leave per calendar year.
0 - 4	If net income is greater than \$1 million in the previous tax year, the employer is required to provide up to 40 hours of paid sick leave per calendar year.
5 - 99	Up to 40 hours of paid sick leave per calendar year.
100+	Up to 56 hours of paid sick leave per calendar year.

A January 1 – December 31 calendar year must be used for purposes of counting employees. Small employers who reported net income of less than \$1 million do not need to pay their employees sick leave, but must provide the additional allotted leave time. For other purposes, including use and accrual of leave, employers may set a calendar year to mean any 12-month period.

SAFE LEAVE

After January 1, 2021, employees may use accrued leave following a verbal or written request to their employer for sick or safe leave for reasons impacting the employee or a member of their family for whom they are providing care or assistance with care.

Safe leave may be used for an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:

- to obtain services from a domestic violence shelter, rape crisis center, or other services program;
- to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

CAN AN EMPLOYEE USE SAFE LEAVE IF THE POLICE HAVE NOT BEEN CONTACTED OR THE PERPETRATOR HAS NOT BEEN CONVICTED?

Yes. An employee's eligibility for safe leave is not dependent on reporting to law enforcement or a criminal conviction.

WHO QUALIFIES AS A "FAMILY MEMBER" FOR THE PURPOSES OF THIS LAW?

"Family member" is defined as an employee's child, spouse, domestic partner, parent, sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner. "Parent" is defined as a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child. "Child" is defined as a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

DOES AN EMPLOYEE'S IMMIGRATION STATUS AFFECT WHETHER THEY ARE ENTITLED TO SICK OR SAFE LEAVE UNDER THE LAW?

No. An employee's immigration status has no effect on their eligibility for sick or safe leave benefits under this law.

DO EMPLOYEES CONTINUE TO EARN SICK OR SAFE LEAVE WHILE USING PAID SICK OR SAFE LEAVE UNDER THIS LAW?

No. Employees are only required to be credited with leave time for hours worked, and not for hours spent using sick or safe leave time under this law.

MAY PAID FAMILY LEAVE BE USED CONSECUTIVELY WITH PAID SICK LEAVE (E.G. THREE DAYS OF PAID SICK LEAVE, TWO DAYS OF PAID FAMILY LEAVE)?

An employee can only choose to use sick leave during Paid Family Leave (PFL) if the employer allows it. Taking sick leave at the same time as PFL may allow the employee to receive their full salary for all or part of the leave. However, an employee cannot receive more than their full wages while receiving PFL benefits.

CAN AN EMPLOYER HAVE A POLICY THAT PERMITS EMPLOYEES TO DONATE UNUSED LEAVE TO OTHER EMPLOYEES?

Yes. An employer can have a policy that allows employees to donate unused leave to other employees, if the policy is entirely voluntary.

WHAT DO I DO IF MY EMPLOYER ISN'T PROVIDING ME WITH SICK OR SAFE LEAVE AS REQUIRED BY THE LAW?

Employees may file a complaint with the Department of Labor by calling **888-469-7365**.

For more information about New York State's Paid Sick and Safe Leave, including additional FAQs, regulations, and more, please visit ny.gov/paidsickleave.

To get additional help, please visit New York State's Office for the Prevention of Domestic Violence at opdv.ny.gov.

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LABOR RIGHTS AND PROTECTIONS

For Domestic Workers in New York

INFORMATION FOR DOMESTIC WORKERS

Domestic workers and their employers have rights and responsibilities under the Labor Law, including the Domestic Workers' Bill of Rights, which took effect on November 29, 2010. For more details, go to labor.ny.gov.

WHO IS A DOMESTIC WORKER?

A "domestic worker" is someone who works in another person's home. Their jobs include:

- Caring for children or a sick or elderly person
- Housekeeping chores
- Other domestic duties performed in the employers' homes

This law does not cover domestic workers:

- Who work on a casual basis, such as part-time babysitters in the home of their employers
- Who are relatives of their employers or of the person(s) for whom they offer care

DOMESTIC WORKERS SHOULD KNOW

Under New York State labor law, including the Domestic Workers' Bill of Rights, you:

- Must be paid at least the minimum wage
- Must receive overtime pay at 1 1/2 times your basic rate of pay after 40 hours of work in a calendar week (If you live in your employer's home, you must be paid overtime after 44 hours of work in a week)
- Must be given one day (24 hours) of rest per week – or, if you agree to work on that day, you must be paid at an overtime rate
- Are entitled to at least three paid days off after one year of work for the same employer

If you work at least 40 hours per week, you are also covered by:

- Workers' Compensation Insurance if you are hurt on the job
- Disability Benefits Insurance if you are injured or become ill outside of work and miss more than seven days of work as a result
- If you are employed by an agency to provide "companionship services," such as caring for an elderly person, the rules about overtime and a required day of rest do not apply to you
- If you complain to your employer or the Labor Department about a violation of these labor laws, your employer cannot retaliate against you. To file a complaint with the Labor Department, call **888-469-7365** or go to labor.ny.gov/workerprotection/laborstandards/workprot/lsdists.shtm for a list of Labor Department district offices
- The Domestic Workers' Bill of Rights protects you from certain forms of harassment by your employer. Your employer cannot subject you to unwelcome sexual advances or other verbal or physical actions of a sexual nature. They cannot harass you based on gender, race, religion or national origin and they cannot retaliate if you file a complaint. You can file an official complaint in court or with the New York State Division of Human Rights. You can get information at dhr.ny.gov or by phone at **888-392-3644** (toll-free)
- To learn about low-cost health insurance for you and your family, visit the New York State Department of Health web site at nyhealth.gov. Look for the "Health Insurance Programs" button on the "Site Contents" area at the right of the home page

New York State Department of Labor

Retaliation Against Employees Prohibited

Employers

As of April 9, 2011, a change in New York State Labor Law strengthens the law prohibiting retaliation against employees who have complained about or reported violations.

Section 215 of the New York State Labor Law makes it illegal for employers to discharge, penalize, or in any manner discriminate or retaliate against an employee for:

- Making a complaint about a possible labor law violation to the employer
- Making a complaint to the Labor Department
- Providing information to the Labor Department
- Testifying in an investigation or other proceeding under Labor Law
- Exercising any rights that are protected under Labor Law

Or because the employer has received an adverse determination from the Labor Department that involves the employee.

If an employer violates this law, the New York State Department of Labor can:

- Assess a penalty from \$1,000 to \$20,000. The maximum penalty was increased from \$10,000 to \$20,000.
- Order payment of lost compensation to the employee
- Order payment of liquidated damages

The employee also can bring a private civil action in court. The employee has two years to start such a legal action.

If the employee wins, the court may order:

- Reinstatement of the employee to his or her former position
- Restoration of seniority
- Payment of lost compensation
- Damages up to \$20,000 per employee
- Payment of reasonable attorneys' fees

What is retaliation?

Retaliation can be any unfavorable action against an employee for complaining about labor law violations or reporting them to the authorities. It can take many forms. These actions could be considered retaliatory under certain circumstances:

- Dismissal from employment
- Cut in work hours
- Reschedule for less desired hours

- Reassign to less desired work location
- Cut in pay
- Failure to give promised or customary raise
- Disciplinary action
- More intensive or critical supervision
- Demotion or transfer
- Withdrawal of previously-allowed privileges
- Assignment to more difficult duties
- Demanding increased production

This list does not cover all possibilities.

What are the best practices an employer can engage in?

If an employee makes a complaint to you, find out what the Labor Law requires. If you are already in compliance, you are on solid ground in explaining that to the employee. If you are not in compliance, change your practices. If you owe some back pay or overtime, calculate how much and pay it. All of this can happen without any involvement by the Labor Department.

If your business is the subject of an inspection or audit by the Labor Department, cooperate fully and promptly. Provide the requested records. Answer questions truthfully. Allow the investigator to interview any employees privately on work time.

Do not demand that the investigator tell you who complained. It really doesn't matter. It won't change the outcome.

Do not create an atmosphere of tension among your employees about the inspection. Let your employees see that you are relaxed about the private interviews. They are free to answer questions truthfully without fearing retaliation. You are willing to fix any problems that might be found.

View the inspection as an opportunity to learn about the Labor Law.

For more information, contact the NYS Department of Labor, Division of Labor Standards:

Phone: **1-888-52-LABOR**

E-mail: **LSAsk@labor.ny.gov**

