

Required Notice under Article 25-B of the Labor Law

**Attention All Employees, Contractors and Subcontractors:  
You are Covered by the Construction Industry Fair Play Act**

**The law says that you are an employee unless:**

- You are free from direction and control in performing your job, **and**
- You perform work that is not part of the usual work done by the business that hired you, **and**
- You have an independently established business.

Your employer cannot consider you to be an independent contractor unless all three of these facts apply to your work.

**It is against the law for an employer to misclassify employees as independent contractors or pay employees off the books.**

**Employee Rights:** If you are an employee, you are entitled to state and federal worker protections. These include:

- Unemployment Insurance benefits, if you are unemployed through no fault of your own, able to work, and otherwise qualified,
- Workers' compensation benefits for on-the-job injuries,
- Payment for wages earned, minimum wage, and overtime (under certain conditions),
- Prevailing wages on public work projects,
- The provisions of the National Labor Relations Act, and
- A safe work environment.

It is a violation of this law for employers to retaliate against anyone who asserts their rights under the law. Retaliation subjects an employer to civil penalties, a private lawsuit or both.

**Independent Contractors:** If you are an independent contractor, **you must pay all taxes and Unemployment Insurance contributions required by New York State and Federal Law.**

**Penalties** for paying workers off the books or improperly treating employees as independent contractors:

- **Civil Penalty**                      First offense: Up to \$2,500 per employee  
    Subsequent offense(s): Up to \$5,000 per employee
- **Criminal Penalty**                First offense: Misdemeanor - up to 30 days in jail, up to a \$25,000 fine and debarment from performing public work for up to one year.  
    Subsequent offense(s): Misdemeanor - up to 60 days in jail or up to a \$50,000 fine and debarment from performing public work for up to 5 years.

**If you have questions about your employment status or believe that your employer may have violated your rights and you want to file a complaint, call the Department of Labor at (866) 435-1499 or send an email to [dol.misclassified@labor.ny.gov](mailto:dol.misclassified@labor.ny.gov). All complaints of fraud and violations are taken seriously. You can remain anonymous.**

**Employer Name:**

IA 999 (09/16)

Aviso obligatorio en virtud del artículo 25-B del derecho laboral

## **Atención a todos los empleados, contratistas y subcontratistas: Usted está cubierto por la Construction Industry Fair Play Act (Ley de Actividad Justa de la Industria de la Construcción).**

### **La ley dice que usted es empleado, a menos que:**

- usted no esté sujeto a dirección y control al realizar su trabajo; y
- usted realice trabajos que no son parte del trabajo habitual realizado por la empresa que lo contrató; y
- usted tenga una empresa independiente.

Su empleador no puede considerarlo contratista independiente, a menos que estos tres hechos se apliquen a su trabajo.

### **Es ilegal que un empleador clasifique incorrectamente a los empleados como contratistas independientes o que pague a los empleados extraoficialmente.**

**Derechos de los empleados:** si usted es empleado, tiene derecho a las protecciones estatales y federales de los trabajadores. Estas incluyen lo siguiente:

- Beneficios del Seguro de desempleo (Unemployment Insurance) si está desempleado por motivos ajenos a su voluntad, puede trabajar y está calificado.
- Beneficios de Compensación del trabajador (Workers' Compensation) para las lesiones sufridas en el trabajo.
- Pago de los salarios ganados, del salario mínimo y de las horas extra (bajo ciertas condiciones).
- Salarios predominantes en proyectos de obras públicas.
- Las disposiciones de la National Labor Relations Act (Ley Nacional de Relaciones Laborales).
- Un ambiente de trabajo seguro.

Constituye una violación de esta ley que los empleadores tomen represalias contra las personas que ejerzan sus derechos en virtud de la ley. Las represalias someten a un empleador a sanciones civiles, a un juicio privado o a ambos.

**Contratistas independientes:** si usted es contratista independiente, **debe pagar todos los impuestos y todas las contribuciones del Seguro de desempleo exigidos por la ley del estado de Nueva York y la ley federal.**

**Sanciones** por pagar extraoficialmente a los trabajadores o tratar incorrectamente a los empleados como contratistas independientes:

- **Sanción civil**  
Primera infracción: multa de hasta \$2,500 por empleado  
Infracción(es) posterior(es): multa de hasta \$5,000 por empleado
- **Sanción penal**  
Primera infracción: en caso de delito menor, hasta 30 días de prisión o hasta \$25,000 de multa e inhabilitación para realizar obras públicas hasta por un año.  
Infracción(es) posterior(es): Infracción(es) posterior(es): en caso de delito menor, hasta 60 días de prisión o hasta \$50,000 de multa e inhabilitación para realizar obras públicas hasta por 5 años.

**Si tiene preguntas sobre su condición laboral o cree que su empleador pudo haber violado sus derechos y desea presentar una denuncia, comuníquese con el Departamento de Trabajo (Department of Labor) llamando al (866) 435-1499 o envíe un correo electrónico a [dol.misclassified@labor.ny.gov](mailto:dol.misclassified@labor.ny.gov). Todas las denuncias de fraude e infracciones se toman en serio. Puede mantener el anonimato.**

**Nombre del empleador:**

IA 999S (09/16)

**New York State Department of Labor  
Division of Labor Standards**

**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**

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**

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

**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

DOL WEBSITE HOMEPAGE

<http://www.labor.ny.gov>



# 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](http://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.



# ATTENTION EMPLOYEES

## (ATENCIÓN EMPLEADOS)

### AGRICULTURAL MINIMUM WAGE INFORMATION

(INFORMACIÓN SOBRE EL SALARIO MÍNIMO PARA LA  
AGRICULTURA)

**Effective 12/31/14**

Basic Hourly Rate

**\$8.75** per hour

**A partir del 12/31/14**

Salario Mínimo

**\$8.75** por hora

#### Meals and Lodging

A specific credit may be granted toward the minimum wage for meals and/or lodging provided by the employer.

#### Federal Law

Employees covered under the federal Fair Labor Standards Act must be paid in accordance with State law and also in accordance with higher federal requirements, where applicable.

#### Other Wage Requirements

A specific amount must be paid, in addition to the minimum wage, for the maintenance of required uniforms.

There are provisions for other supplemental wages in New York State Industry wage orders. These may include a part-time rate, daily call-in pay, and a rate for split shift or spread of hours. Whether a particular supplemental wage applies depends on the provisions of the industry wage order covering the employment.

#### For additional information or to file a complaint

Write or call the Department of Labor, Division of Labor Standards at one of the offices listed below.

#### Comidas y Alojamiento

Se puede acreditar una cantidad específica al salario mínimo por comidas y/o alojamiento provistos por el patrono.

#### Ley Federal

Los empleados protegidos por la Ley Federal de Normas Equitativas del Trabajo (Federal Fair Labor Standards Act) deben ganar salarios según estipulan las leyes estatales y en conjunto con los requisitos superiores federales, según aplique.

#### Otros requisitos salariales

Se debe pagar una cantidad específica, además del salario mínimo, por mantenimiento de uniformes obligatorios.

Existen otras disposiciones sobre pagos suplementarios en las ordenanzas industriales del Estado de Nueva York. Dichas disposiciones contienen una tarifa por trabajo a medio tiempo, trabajo diario casual, turnos divididos o por horas repartidas. Si un pago suplementario es pertinente o no, depende de las disposiciones en el tipo de industria que cubre el trabajo desempeñado.

#### Si desea información adicional o para informarse sobre cómo presentar una querrela

Escriba o llame a una de las siguientes oficinas del Departamento del Trabajo, División de Normas Laborales.

State Office Building Campus  
Albany, NY 12240  
(518) 457-2730

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

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

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

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

109 S. Union Street  
Rochester, NY 14607  
(585) 258-4550  
(Subdistrict)

333 E. Washington Street  
Syracuse, NY 13202  
(315) 428-4057

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

For additional Information:  
[www.labor.ny.gov](http://www.labor.ny.gov)

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. El Departamento del Trabajo del Estado de Nueva York es un patrono que participa en el Programa de Igualdad de Oportunidades. Servicios adicionales para personas incapacitadas e instrumentos para ayudarlas están disponibles a solicitud de dichas personas.

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.

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§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.



NEW YORK STATE  
DIVISION OF  
**HUMAN  
RIGHTS**

WWW.DHR.NY.GOV

ANDREW M. CUOMO, GOVERNOR  
GALEN D. KIRKLAND, COMMISSIONER

**DISCRIMINATION REALLY HURTS.  
IF YOU SEE IT OR EXPERIENCE IT, CALL US.  
WE'RE HERE.**

**(718) 741-8400 (888) 392-3644**

**TTD (718)741-8300**

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, ARTÍCULO 15)

**DISCRIMINATION BASED ON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, DISABILITY, DOMESTIC VIOLENCE VICTIM STATUS, OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW IN:**

**LA DISCRIMINACIÓN BASADA EN EDAD, RAZA, CREDO, COLOR, NACIONALIDAD, ORIENTACIÓN SEXUAL, ESTADO MILITAR, SEXO, DISCAPACIDAD, ESTADO COMO VÍCTIMA DE VIOLENCIA DOMÉSTICA, O ESTADO CIVIL ESTÁ PROHIBIDA BAJO LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK EN:**

**EMPLOYMENT, BY EMPLOYERS OF FOUR OR MORE PEOPLE, EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS**

Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; prior arrest or conviction record; predisposing genetic characteristics.

Reasonable accommodations for persons with disabilities 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.

**RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE**

Exceptions:

- (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

Also prohibited: discrimination in housing on the basis of familial status (e.g. families with children)

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

**ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE**

Also prohibited: commercial boycotts and blockbusting.

**PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT SUCH AS RESTAURANTS, HOTELS, HOSPITALS, CLUBS AND MEDICAL OFFICES**

Exception:

Age is not a covered classification relative to public accommodations. Reasonable accommodations for persons with disabilities may also be required. (Effective January 1st, 2008.)

**ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS**

**EDUCATIONAL INSTITUTIONS: NON-SECTARIAN, TAX EXEMPT, PUBLIC AND PRIVATE**

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

If you wish to file a formal complaint with the Division of Human Rights, you must do so within one year after the discrimination occurred. The Division's services are provided free of charge.

If you wish to file a complaint in State Court, you may do so within three years of the discrimination. You may not file both with the Division and the State Court.

**Retaliation for filing a complaint or opposing discriminatory practices is prohibited. You may file a complaint with the Division if you have been retaliated against.**

FOR FURTHER INFORMATION, WRITE OR CALL THE DIVISION'S NEAREST OFFICE.  
HEADQUARTERS: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

**EL EMPLEO, POR PARTE DE EMPLEADORES CON UN PERSONAL DE CUATRO PERSONAS O MÁS, EN SINDICATOS Y PROGRAMAS DE ADIESTRAMIENTO Y CAPACITACIÓN**

También se prohíbe: La discriminación en el empleo basado en la observación del Sabat y otras prácticas religiosas, por previos arrestos o antecedentes criminales, por predisposición genética.

En casos de personas con discapacidades físicas se puede exigir que se le proporcionen ajustes necesarios y razonables. Un ajuste razonable es una modificación en el lugar o ambiente de trabajo que permita que una persona con discapacidades pueda desempeñar sus funciones de forma razonable.

**ALQUILER, CONTRATO DE ALQUILER, VENTA DE VIVIENDAS, TIERRAS O ESPACIOS COMERCIALES**

Excepciones:

- (1) el alquiler de un apartamento en una casa para dos familias en la que reside el propietario
- (2) la restricción de todas las habitaciones de una propiedad residencial para alojamiento de individuos del mismo sexo
- (3) el alquiler de una habitación por el ocupante de una casa o apartamento
- (4) la venta, alquiler, contrato de alquiler en viviendas para alojamiento exclusivo de personas de 55 años o más y sus respectivos esposos o esposas

También está prohibido: la discriminación en viviendas basada en la situación familiar (ejemplo: familias con niños)

También se puede exigir que se hagan ajustes razonables y modificaciones para las personas con discapacidades.

**ACTIVIDADES DE AGENTES Y VENDEDORES DE BIENES RAÍCES**

Está prohibido: los boicots comerciales y la práctica de vender o alquilar viviendas a grupos étnicos minoritarios en barrios habitados predominantemente por blancos, con el propósito de depreciar las propiedades y hacer especulaciones. A ésta práctica se le conoce en inglés como blockbusting.

**SITIOS PÚBLICOS, LUGARES PARA VACACIONAR O DE ENTRETENIMIENTO COMO RESTAURANTES, HOTELES, HOSPITALES, CLUBES Y CONSULTORIOS MÉDICOS**

Excepción:

La edad no es una de las categorías protegidas con respecto a los sitios públicos. Ajustes razonables para las personas con discapacidades también pueden ser requeridos. (Efectivo el 1ero de enero del 2008.)

**PUBLICIDAD Y SOLICITUDES RELACIONADAS A EMPLEOS, BIENES RAÍCES, SITIOS PÚBLICOS Y OPERACIONES DE CRÉDITO**

**INSTITUCIONES EDUCATIVAS: QUE NO SEAN RELIGIOSAS, LIBRES DE IMPUESTOS, PÚBLICAS Y PRIVADAS**

**TODAS LAS OPERACIONES DE CRÉDITO INCLUYENDO FINANCIAMIENTO DE COMPRA, MANTENIMIENTO O REPARACIONES DE VIVIENDAS**

Si desea presentar una querrela con la División de Derechos Humanos, debe hacerlo dentro de un plazo de un año después que el acto discriminatorio haya ocurrido. Los servicios que ofrece la División son gratuitos.

Si desea presentar una querrela ante la Corte Estatal tiene un plazo de hasta tres años después del incidente discriminatorio para hacerlo. No puede presentar su queja en ambos lugares, la División y la Corte Estatal.

**Está prohibido tomar represalias contra una persona porque haya presentado una querrela o por oponerse a conductas discriminatorias. Usted puede presentar una querrela ante la División si han tomado represalias en su contra.**

PARA MÁS INFORMACIÓN, ESCRIBA O LLAME A SU OFICINA DE LA DIVISIÓN MÁS CERCANA.  
SEDE: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

**LA DISCRIMINACIÓN REALMENTE HACE DAÑO.  
SI ES TESTIGO O VÍCTIMA DE ELLA, LLÁMENOS.  
ESTAMOS AQUÍ PARA SERVIRLES.**

**(718) 741-8400 (888) 392-3644**

**TTD (718)741-8300**



ESTADO DE NUEVA YORK  
DIVISIÓN DE  
**DERECHOS  
HUMANOS**  
WWW.DHR.NY.GOV

GOBERNADOR ANDREW M. CUOMO  
COMISIONADO GALEN D. KIRKLAND

# Sexual Harassment Prevention Policy Notice



## Sexual harassment is against the law.

All employees have a legal right to a workplace free from sexual harassment, and **[Employer Name]** is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, **[Employer Name]** has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status.

If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, manager or **[other person designated]** so we can take action.

Our complete policy may be found: **[redacted]**

Our Complaint Form may be found: **[redacted]**

If you have questions and to make a complaint, please contact:

**[Person or office designated]**

**[Contact information for designee or office]**

For more information and additional resources, please visit:

**[www.ny.gov/programs/combating-sexual-harassment-workplace](http://www.ny.gov/programs/combating-sexual-harassment-workplace)**



**New York State Department of Labor  
Worker Protection  
Division of Labor Standards**

**PERMITTED WORKING HOURS FOR MINORS UNDER 18 YEARS OF AGE**

The following chart is a summary of the permitted working hours provisions of the New York State Labor Law relating to minors less than 18 years of age:

AGE OF MINOR (GIRLS AND BOYS)	INDUSTRY OR OCCUPATION	MAXIMUM DAILY HOURS	MAXIMUM WEEKLY HOURS	MAXIMUM DAYS PER WEEK	PERMITTED HOURS
<b>MINORS ATTENDING SCHOOL</b>					
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 <sup>1</sup>	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 (i.e., Mon., Tues., Weds., Thurs. <sup>2</sup> , 8 hours on Fri., Sat., Sun. and Holidays. <sup>4</sup>	28 <sup>4</sup>	6 <sup>4</sup>	6 AM to 10 PM <sup>3</sup>
<b>When School is Not In Session (Vacation)</b>					
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 <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>MINORS NOT ATTENDING SCHOOL</b> 16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>FARM WORK</b>					
12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours		-----	7 AM to 7 PM June 21 to Labor Day 9 AM to 4 PM Day after Labor Day to June 20
14 and older	Any farm work	-----	-----	-----	
<b>NEWSPAPER CARRIERS.</b> 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
<b>STREET TRADES</b> 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

<sup>1</sup>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.

<sup>2</sup>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.

<sup>3</sup>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.

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

***A SCHEDULE OF HOURS OF WORK FOR MINORS UNDER 18 YEARS OF AGE MUST BE POSTED IN THE ESTABLISHMENT BY THE EMPLOYER.***

### **ADDITIONAL CHILD LABOR LAW INFORMATION**

- An Employment Certificate (Working Paper) is required for all minors under 18 years of age who are employed.
  - There are numerous prohibited occupations or minors in New York State. Contact any of the offices listed below for further information.
  - Civil penalties for violations of Child Labor Laws are:
    - First Violation - maximum \$1,000\*
    - Second Violation - maximum \$2,000\*
    - Third or Subsequent Violation - maximum \$3,000\*
- \* If a minor is seriously injured or dies while illegally employed, the penalty is treble the maximum penalty allowable under the law for such violation.
- Section 14A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.

Inquiries concerning these laws and other provisions of the New York State Labor Law may be addressed to the Department of Labor, at one of the offices of the Division of Labor Standards listed below:

<b>CITY</b>	<b>ZIP CODE</b>	<b>ADDRESS</b>	<b>TELEPHONE</b>
ALBANY	12240	State Office Building Campus	(518) 457-2730
BINGHAMTON (Subdistrict)	13901	44 Hawley Street	(607) 721-8014
BUFFALO	14202	65 Court Street	(716) 847-7141
GARDEN CITY	11530	400 Oak Street	(516) 794-8195
NEW YORK	10013	75 Varick Street, 7 <sup>th</sup> Floor	(212) 775-3880
ROCHESTER (Subdistrict)	14607	109 S. Union Street	(585) 258-4550
SYRACUSE	13202	333 East Washington Street	(315) 428-4057
WHITE PLAINS	10605	120 Bloomingdale Road	(914) 997-9521

DOL WEBSITE HOMEPAGE

<http://www.labor.state.ny.us>



New York State  
Department of Labor

Labor Law Information Relating to  
**Public Employees**

# job safety and health protection

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

**Employers:** The Act requires that employers furnish employees a workplace free from recognized hazards and in compliance with the safety and health standards applicable to the employer's workplaces and other regulations issued by the Commissioner of Labor under the Act.

**Employees:** The Act requires that employees comply with all safety and health standards and other regulations issued under the Act that apply to their actions and conduct on the job.

**Enforcement:** The New York State Department of Labor's Division of Safety and Health (DOSH) is responsible for administering and enforcing the Act. The Commissioner issues safety and health standards, and Safety and Health Inspectors and Hygienists conduct on-site inspections to ensure compliance with the Act.

**Inspection:** The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the DOSH Inspector or Hygienist for the purpose of aiding the inspection.

Where there is no authorized employee representative, the DOSH Inspector or Hygienist must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

**Order To Comply:** If the DOSH Inspector or Hygienist believes an employer has violated the Act, an order to comply will be issued to the employer. Each order will specify a time period within which the violation must be corrected. If the violation remains uncorrected, the employer may be subject to monetary penalties.

The DOSH order to comply must be prominently displayed at or near the place of violation to warn employees of dangers that may exist.

**Complaint:** Employees or their representatives have the right to file a complaint, in writing, with the nearest DOSH office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. DOSH will withhold, on request, names of employees complaining.

Any interested person or representative of such person or groups of persons may bring to the attention of the State Department of Labor a complaint regarding the administration or enforcement of the Public Employees Safety and Health Program. The State Department of Labor will investigate each complaint and will notify the complainant in writing of the results of such investigation as well as further channels for complaint. Such complaints may also be made to the United States Department of Labor, Occupational Safety and Health Administration, 201 Varick Street, New York, New York 10014.

**Discrimination:** The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

Employees who believe that they have been discriminated against may file a complaint with the nearest DOSH office within 30 days of the alleged discrimination.

**Voluntary Activity:** The Department of Labor encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury or illness to employees and supervisors. On a voluntary basis, employers may request that the DOSH office furnish consultant services to assist the employer in meeting job-site compliance with safety and health standards.

Additional information may be obtained from the nearest DOSH District Office listed below:

State Office Campus, Rm 158 Albany, NY 12240 Tel: (518) 457-5508	44 Hawley St. Binghamton, NY 13901 Tel: (607) 721-8211	65 Court Street Buffalo, NY 14202 Tel: (716) 847-7133	400 Oak Street, Suite 101 Garden City, NY 11530 Tel: (516) 228-3970
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75 Varick Street (7th Floor) New York, NY 10013 Tel: (212) 775-3548	109 S. Union Street Rochester, NY 14607 Tel: (585) 258-4570	450 South Salina Street Syracuse, NY 13202 Tel: (315) 479-3212	207 Genesee Street Utica, NY 13501 Tel: (315) 793-2258	120 Bloomingdale Road White Plains, NY 10605 Tel: (914) 997-9514
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**Post Conspicuously**



New York State Department of Labor  
Bureau of Public Work

# Attention Employees

## THIS IS A: **PUBLIC WORK PROJECT**

If you are employed on this project as a **worker, laborer, or mechanic** you are entitled to receive the **prevailing wage and supplements rate** for the classification at which you are working.

Chapter 629 of the Labor Laws of 2007:

**These wages are set by law and must be posted at the work site. They can also be found at:**  
[www.labor.ny.gov](http://www.labor.ny.gov)

If you feel that you have not received proper wages or benefits, please call our nearest office.\*

Albany	(518) 457-2744	Patchogue	(631) 687-4886
Binghamton	(607) 721-8005	Rochester	(585) 258-4505
Buffalo	(716) 847-7159	Syracuse	(315) 428-4056
Garden City	(516) 228-3915	Utica	(315) 793-2314
New York City	(212) 775-3568	White Plains	(914) 997-9507
Newburgh	(845) 568-5398		

\* For New York City government agency construction projects, please contact the Office of the NYC Comptroller at (212) 669-4443, or [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov) – click on Bureau of Labor Law.

Contractor Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

**NO  
SMOKING**

**New York State Public Health Law - Article 13E**



## New York State Election Law

§ 3-110. Time allowed employees to vote. 1. A registered voter may, without loss of pay for up to three hours, take off so much working time as will enable him or her to vote at any election.

2. The employee shall be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.

3. If the employee requires working time off to vote the employee shall notify his or her employer not less than two working days before the day of the election that he or she requires time off to vote in accordance with the provisions of this section.

4. Not less than ten working days before every election, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this section. Such notice shall be kept posted until the close of the polls on election day.

# Attention All Employees

## Time Allowed

### Employees to Vote on Election Day

N.Y. Election Law Section 3-110<sup>i</sup>

- As a registered voter, you may take off up to 3 hours, without loss of pay, to allow you time to vote.
- You may take time off at the beginning or end of your working shift, as your employer may designate, unless otherwise mutually agreed.
- You must notify your employer not less than 2 days before the day of the election that you will take time off to vote.

Rev 04.19.2019

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<sup>i</sup> Employers: Not less than ten working days before any Election Day, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this law. Such notice shall be kept posted until the close of the polls on Election Day.



George Latimer  
County Executive

Human Rights Commission  
Tejash Sanchala, Esq.  
Executive Director

Valerie Daniele, Esq.  
Deputy Director

## Notice of Employee Rights Under Westchester County’s Earned Sick Leave Law

Under Westchester County’s Earned Sick Leave Law, certain employers must give their employees sick leave.

Employers with five or more employees in Westchester County must provide paid sick leave. Employers with less than five employees must provide unpaid sick leave.

Employers who have one or more domestic workers who are employed for more than 80 hours in a calendar year must provide paid sick leave.

Employers covered by Earned Sick Leave Law must give this written notice to new employees when they begin employment and to existing employees by July 10, 2019. Employers must also display a copy of the Earned Sick Leave Law and a poster in English, Spanish and any other language deemed appropriate by the County of Westchester, in a conspicuous location accessible to employees.

**YOU HAVE A RIGHT TO SICK LEAVE, WHICH YOU CAN USE FOR THE CARE AND TREATMENT OF YOURSELF OR A FAMILY MEMBER.**

### AMOUNT OF SICK LEAVE

- Your employer must provide up to 40 hours of sick leave every consecutive 12-month period. Your employer’s year is:

Start of Year: \_\_\_\_\_ End of Year: \_\_\_\_\_

- Domestic workers:** Your employer must provide sick leave in addition to the days of rest to which you are entitled under New York State Labor Law. Go to [labor.ny.gov](http://labor.ny.gov) and search “Domestic Workers’ Bill of Rights” for more information.

## RATE OF ACCRUAL

You accrue sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of sick leave per year.

## DATE ACCRUAL BEGINS

You begin to accrue sick leave on July 10, 2019 or on your first day of employment, whichever is later.

## DATE SICK LEAVE IS AVAILABLE FOR USE

You can begin using sick leave \_\_\_\_\_. An employer has the right to delay your ability to use earned sick time until you have worked for the employer for 90 days.

## ACCEPTABLE REASONS TO USE SICK LEAVE

You can use sick leave when:

- You have a mental or physical illness, injury or health condition; you need to get a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; you need to get preventative medical care.
- You must care for a family member who needs a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventative medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider has closed due to a public health emergency.

## FAMILY MEMBERS

The law recognizes the following as family members:

- Child (biological, adopted, or foster child; legal ward; or child of an employee standing *in loco parentis*)
- Grandchild
- Spouse
- Domestic partner
- Parent
- Grandparent
- Child or parent of an employee's spouse or domestic partner
- Sibling

## ADVANCE NOTICE

If the need is foreseeable, your employer can require notice of your intention to use sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable. If notice is required, the procedure you must follow to use sick leave must be provided to you in writing.

## DOCUMENTATION

Your employer can require documentation for a health care provider if you use more than three consecutive workdays as sick leave. Employers may not require the health care provider to specify the medical reason for sick leave.

## UNUSED SICK LEAVE

Up to 40 hours of unused sick leave can be carried over to the next year. However, your employer is only required to let you use up to 40 hours of sick leave per year.

## YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SICK LEAVE

Your employer cannot retaliate against you for:

- Requesting and using sick leave;
- Filing a complaint for alleged violations of the law;
- Participating in an administrative proceeding regarding an alleged violation of the law; and
- Informing another person of that person's potential rights under the law.

Retaliation includes any threat, discharge, suspension, demotion, reduction of hours, reporting or threatening to report an employee's suspected citizenship or immigration status, or the suspected citizenship or immigration status of a family member of the employee to a federal, state, or local agency.

## YOU HAVE A RIGHT TO FILE A COMPLAINT

You can file a complaint with the Westchester County Department of Consumer Protection (DCP). Visit [www.consumer.westchestergov.com](http://www.consumer.westchestergov.com) or call (914) 995-2155 for information.

**Keep a copy of this notice and all documents that show your amount of sick leave and your sick leave accrual and use.**

**Note: The Earned Sick Leave law sets the minimum requirements for sick leave. Your employer's leave policies may already meet or exceed the requirements of the law.**

You have a right to be given this notice in English, and Spanish and, if available on the Westchester County website, your primary language.

For more information, including Frequently Asked Questions, visit [www.humanrights.westchestergov.com](http://www.humanrights.westchestergov.com)

# NOTICE

## Pregnancy Accommodations at Work

The NYC Human Rights Law requires all employers with four or more employees to provide reasonable accommodations to employees related to pregnancy, childbirth, and related medical conditions to enable them to continue working and/or return to work promptly while maintaining a healthy pregnancy. Employers are required to provide written notice of employees' rights under the Law, and can use this document to satisfy that requirement. As such, it should be posted in the workplace.

### EMPLOYERS

Provide a clear policy and protocol for employees to request a reasonable accommodation. Work with your pregnant employee to promptly agree on a reasonable accommodation that:

- Values your employee's contributions to the workplace
- Helps your employee satisfy the essential requisites of her job
- Keeps them in the workplace for as long as they are able to continue working
- Is right for your employee and does not cause undue hardship to your business

**Ignoring a request for a reasonable accommodation, failing to respond quickly, punishing, or firing your employee after they request one can expose you to damages and civil penalties. Employers are prohibited from asking for proof of pregnancy. Employers may request a doctor's note only when the accommodations requested by the employee involve time away from the workplace and when not otherwise prohibited by city, state, or federal law, including the NYC Earned Sick Time Act.**

### EMPLOYEES

If you need a reasonable accommodation to continue working or remain employed, you can request one. Examples include, but are not limited to:

- Breaks (e.g. to use the bathroom, eat or drink, or provide necessary rest)
- Changes to your work environment such as a seat or a fan
- Assistance with physically demanding tasks
- Time off or schedule adjustments
- A private, clean, non-bathroom space and breaks for expressing breast milk
- Light duty or a temporary transfer to a different position
- Time off to recover from childbirth

**The type of reasonable accommodation appropriate for an employee should be tailored to the needs of the employee and the employer. If your request for a reasonable accommodation has been ignored or denied without an appropriate alternative, we can help. Call the NYC Commission on Human Rights at 718-722-3131 to report it.**

NYC.gov/HumanRights or call (718) 722-3131

    @NYCCHR

**NYC** Commission on  
Human Rights

Bill de Blasio,  
Mayor

Carmelyn P. Malalis,  
Chair/Commissioner

# YOU HAVE A RIGHT TO A PREDICTABLE WORK SCHEDULE

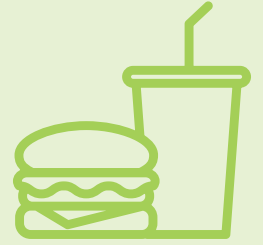
Under NYC's Fair Workweek Law, fast food employers must give their workers predictable work schedules. Employers must post this notice where employees can easily see it at each NYC workplace.\*

## Fast Food Workers Covered by the Law

Employees who perform at least one of the following tasks at a fast food establishment in NYC:

- customer service
- cooking
- food or drink preparation
- off-site delivery
- security
- stocking supplies or equipment
- cleaning
- routine maintenance duties

**The law applies regardless of immigration status.**



**Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See below.**

## Your Rights



### Estimated Schedule and First Work Schedule

On or before your first day of work, your employer must give you:

- *Written schedules for first 2 weeks of work* with hours, dates, start and end times, and locations of shifts.
- *Written "Good Faith Estimate"* (days, times, hours, locations you can expect to work during your employment). Your employer must provide an updated Estimate if the Estimate changes.



### Priority to Work Open Shifts

Before hiring a new employee when new shifts become available, your employer must:

- *Advertise shifts to existing workers in NYC first* by posting information at your worksite and directly providing information to you electronically, which may include text or email.
- *Give priority to work open shifts to workers at the worksite where shifts are available.*
- *Give shifts to interested workers from other worksites only when no or not enough workers from the worksite accept.*

Your employer may only hire new workers if no current NYC workers accept the shifts by the posted deadline.



### 2 Weeks' Advance Notice of Work Schedule

Your employer must give you your written work schedule at least 14 days before your first shift in the schedule. Schedules must include at least 7 calendar days with dates, shift start and end times, and location(s) of all shifts. If the schedule changes, your employer must contact all affected workers within 24 hours, or as soon as possible.



### Consent Plus \$100 for "Clopening" Shifts

Your employer cannot schedule you to work 2 shifts over 2 days when the first shift ends a day and there are less than 11 hours between shifts (a "clopening") UNLESS you consent in writing AND you are paid a \$100 premium to work the shift.



### Consent and Premium Pay for Last-Minute Schedule Changes

Your employer cannot make changes to your schedule less than 14 days before the change is effective without your written consent and without paying the following premiums:

Amount of notice	Additional work time or shifts	Change to shifts but no change to total work time	Reduced work time or shifts
Less than 14 days' notice	\$10 per change	\$10 per change	\$20 per change
Less than 7 days' notice	\$15 per change	\$15 per change	\$45 per change
Less than 24 hours' notice	\$15 per change	\$15 per change	\$75 per change

#### Premium pay is not required when:

1. Your employer closes due to: threats to worker safety or employer property; public utility failure; shutdown of public transportation; fire, flood, or other natural disaster; government-declared state of emergency.
2. You request a schedule change to a specific shift.
3. You trade shifts with another employee.
4. Your employer must pay overtime for a changed shift.

## File a Complaint

The Department of Consumer Affairs (DCA) Office of Labor Policy & Standards (OLPS) enforces the Fair Workweek Law and other NYC labor laws.

**To file a complaint with OLPS, go to [nyc.gov/dca](http://nyc.gov/dca) or contact 311 (212-NEW-YORK outside NYC) and ask for "Fair Workweek Law."** OLPS will conduct an investigation and try to resolve your complaint. **OLPS will keep your identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

**You can also file an action in court.** However, you cannot have a complaint with OLPS and a claim in court at the same time.

## Contact OLPS

Visit [nyc.gov/dca](http://nyc.gov/dca), email [FWW@dca.nyc.gov](mailto:FWW@dca.nyc.gov), or contact 311 and ask for "Fair Workweek Law."

# YOU HAVE A RIGHT TO A PREDICTABLE WORK SCHEDULE

Under NYC's Fair Workweek Law, certain retail employers must give their employees predictable work schedules. Retailers must post this notice where employees can easily see it at each NYC workplace.\*

## Retail Employees Covered by the Law

All employees who work at a retail business that primarily sells consumer goods and employs at least 20 workers in NYC.

*The law applies regardless of immigration status.*

## Retail Employees NOT Covered by the Law

Employees covered by certain collective bargaining agreements.



**Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See below.**

## Your Rights

72

### 72 Hours' Advance Notice of Work Schedule

Your employer must:

- Give you your written work schedule at least 72 hours before the start of the schedule in the way your employer usually contacts you, which may include text and email.
- Post the schedule at your workplace where all workers can see it.
- Include dates, shift start and end times, and location(s) of all shifts in the work schedule.
- Update and repost the schedule and contact all affected workers if the schedule changes.



### No On-call Shifts

Your employer cannot require you to:

- Be ready and available to work at any time the employer demands, regardless of whether you actually work or report to work.
- "Check in" within 72 hours of a scheduled shift to find out if you should report for the shift.



### No Shift Additions with Less than 72 Hours' Notice

If your employer wants to add time or shifts to your schedule less than 72 hours before the change, you have the right to accept or decline the change. If you accept an additional shift, you must do so in writing.



### No Shift Cancellations with Less than 72 Hours' Notice

Your employer cannot cancel a shift less than 72 hours before the start of the shift.

#### Exceptions:

Your employer may change your schedule with less than 72 hours' notice due to a closing under the following circumstances:

- Threats to worker safety or employer property
- Public utility failure
- Shutdown of public transportation
- Fire, flood, or other natural disaster
- Government-declared state of emergency

Your employer may also grant you time off at your request or allow you to trade shifts with another retail employee.

## File a Complaint

The Department of Consumer Affairs (DCA) Office of Labor Policy & Standards (OLPS) enforces the Fair Workweek Law and other NYC labor laws.

**To file a complaint with OLPS, go to [nyc.gov/dca](http://nyc.gov/dca) or contact 311 (212-NEW-YORK outside NYC) and ask for "Fair Workweek Law." OLPS will conduct an investigation and try to resolve your complaint. OLPS will keep your identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

**You can also file an action in court.** However, you cannot have a complaint with OLPS and a claim in court at the same time.

## Contact OLPS

Visit [nyc.gov/dca](http://nyc.gov/dca), email [FWW@dca.nyc.gov](mailto:FWW@dca.nyc.gov), or contact 311 and ask for "Fair Workweek Law."



**Consumer  
Affairs**

Lorelei Salas  
Commissioner

*\*Your employer must also post this notice in any language that is the primary language of at least 5 percent of the workers at your workplace if available on the DCA website.*



# YOU HAVE A RIGHT TO MAKE CONTRIBUTIONS TO NONPROFITS THROUGH YOUR EMPLOYER

Under NYC's Fast Food Deductions Law, fast food employers must honor employee requests to deduct voluntary payments from their paychecks to send to nonprofits that have a registration letter from the NYC Department of Consumer Affairs (DCA). Employers must post this notice where employees can easily see it at each NYC workplace.

## Fast Food Workers Covered by the Law

Employees who perform at least one of the following tasks at a fast food establishment in NYC:

- customer service
- cooking
- food or drink preparation
- off-site delivery
- security
- stocking supplies or equipment
- cleaning
- routine maintenance duties

*The law applies regardless of immigration status.*



**Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See below.**

## Your Rights



### Authorize Voluntary Deductions and Contributions to a Nonprofit

To ensure your employer makes deductions from your paycheck and submits contributions to a nonprofit, the nonprofit must submit written authorization from you to your employer with:

- Your signature
- Your name and address
- Amount, frequency, and start date of contributions
- Name, address, and contact information for the nonprofit
- Statement that the deductions and contributions are voluntary and revocable

Deductions must begin on or before the first pay period 15 days after your employer received written authorization. Your employer is not required to make deductions of less than \$3 per week or make deductions more than once per pay period.

Your employer must:

- Give the nonprofit a copy of your written authorization within 5 days of receiving it, if you provide the written authorization to the employer.
- Note deductions on your wage statement.

Your employer cannot:

- Make deductions without your authorization.
- Require you to pay a fee for the deductions.



### Revoke Authorization

To end voluntary deductions and contributions, you must submit written revocation to the nonprofit, which will send the revocation to your employer. Deductions must end on or before the first pay period 15 days after your employer received written revocation from the nonprofit.



### Receive Information about the Nonprofit

The nonprofit must disclose to you its:

- Name, address, email, website (if it has one), phone number, and contact information for person responsible for authorizations and revocations
- Mission, programs, and areas of focus
- List of officers and directors, including individuals earning more than \$100,000 who were or are employees of the nonprofit
- Financial information
- Proof of active not-for-profit status

It is illegal for a nonprofit to make false or misleading statements to you.

Labor organizations may not seek contributions. Any nonprofit that you authorize to receive contributions must inform you of the following:

#### **CONTRIBUTIONS TO LABOR ORGANIZATIONS:**

*Labor organizations as defined by the National Labor Relations Act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310 (Local Law 98 of 2017).*

## File a Complaint

DCA's Office of Labor Policy & Standards (OLPS) enforces the Fast Food Deductions Law and other NYC labor laws.

**To file a complaint with OLPS, go to [nyc.gov/dca](http://nyc.gov/dca) or contact 311 (212-NEW-YORK outside NYC) and ask for "Deductions Law." OLPS will conduct an investigation and try to resolve your complaint. OLPS will keep your identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

**You can also file an action in court.** However, you cannot have a complaint with OLPS and a claim in court at the same time.

## Contact OLPS

Visit [nyc.gov/dca](http://nyc.gov/dca), email [FWW@dca.nyc.gov](mailto:FWW@dca.nyc.gov), or contact 311 and ask for "Deductions Law."



**Consumer Affairs**

Lorelei Salas  
Commissioner

# STOP SEXUAL HARASSMENT ACT FACTSHEET

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the information sheet requirement.

## The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, can require the violator to undergo training, and can mandate other remedies such as community service.

## Sexual Harassment Under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

## Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

## Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak

out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

## Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

**Report sexual harassment to the NYC Commission on Human Rights. Call 718-722-3131 or visit [NYC.gov/HumanRights](http://NYC.gov/HumanRights) to learn how to file a complaint or report discrimination. You can file a complaint anonymously.**

## State and Federal Government Resources

Sexual harassment is also unlawful under state and federal law where statutes of limitations vary.

To file a complaint with the New York State Division of Human Rights, please visit the Division's website at [www.dhr.ny.gov](http://www.dhr.ny.gov).

To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at [www.eeoc.gov](http://www.eeoc.gov).

# STOP SEXUAL HARASSMENT ACT NOTICE

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the poster requirement.

## The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, require the violator to undergo training, and mandate other remedies such as community service.

## Sexual Harassment Under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

## Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
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Bill de Blasio  
Mayor

Consumer  
Affairs

Lorelei Salas  
Commissioner

## NOTICE OF EMPLOYEE RIGHTS

Under New York City's Earned Safe and Sick Time Act (Paid Safe and Sick Leave Law), certain employees have a right to safe and sick leave. Go to [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave) to learn which employees are covered by the law.

Employees who work for employers with five or more employees who work more than 80 hours a calendar year in New York City have a right to *paid* safe and sick leave. Employees who work for employers with fewer than five employees have a right to *unpaid* safe and sick leave.

**Employees who work for employers who must provide safe and sick leave must receive this written notice from their employer when they begin employment or by June 4, 2018, whichever is later.**

**YOU HAVE A RIGHT TO SAFE LEAVE, which you can use to seek assistance or take other safety measures if you or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking.**

**YOU HAVE A RIGHT TO SICK LEAVE, which you can use for the care and treatment of yourself or a family member.**

### AMOUNT OF SAFE AND SICK LEAVE:

- Your employer must provide up to a total of 40 hours of safe and sick leave every calendar year. You may use any earned leave for either safe or sick leave purposes. Your employer's calendar year is:

Start of Calendar Year: \_\_\_\_\_ End of Calendar Year: \_\_\_\_\_

### RATE OF ACCRUAL:

- You accrue safe and sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of safe and sick leave per calendar year.

### DATE ACCRUAL BEGINS:

You begin to accrue safe and sick leave on April 1, 2014 or on your first day of employment, whichever is later.

*Exception:* If you are covered by a collective bargaining agreement that was in effect on April 1, 2014, you begin to accrue safe and sick leave under City law beginning on the date that the agreement expires.

### DATE SAFE AND SICK LEAVE IS AVAILABLE FOR USE:

- You could begin using sick leave on July 30, 2014 or 120 days after you begin employment, whichever is later.
- You could begin using safe leave on May 5, 2018 or 120 days after you begin employment, whichever is later.

### ACCEPTABLE REASONS TO USE SAFE AND SICK LEAVE:

You can use safe and sick leave to take time off from work when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.
- You or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking and you need to take actions necessary to restore the physical, psychological, or economic health or safety of you or your family members or to protect those who associate or work with you, including to:
  - Obtain services from a domestic violence shelter, rape crisis center, or other services program.
  - Participate in safety planning, relocate, or take other actions to protect your safety or that of your family members, including enrolling children in a new school.
  - Meet with an attorney or social service provider to obtain information and advice related to custody; visitation; matrimonial issues; orders of protection; immigration; housing; discrimination in employment, housing, or consumer credit.
  - File a domestic incident report with law enforcement or meet with a district attorney's office.

[More >](#)

## FAMILY MEMBERS:

The law recognizes the following individuals as “family members:”

- Any individual whose close association with the employee is the equivalent of family
- Child (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*)
- Grandchild
- Spouse
- Domestic Partner
- Parent
- Grandparent
- Child or Parent of an employee’s spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)
- Any other individual related by blood to the employee

## ADVANCE NOTICE:

If the need is foreseeable, your employer can require up to seven days advance notice of your intention to use safe or sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable.

## DOCUMENTATION:

Your employer can require documentation if you use more than three consecutive workdays as safe or sick leave. The Paid Safe and Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave or requiring safe leave documentation to specify the details of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking. Disclosure may be required by other laws.

## UNUSED SAFE AND SICK LEAVE:

Up to 40 hours of unused safe and sick leave can be carried over to the next calendar year. However, your employer is only required to let you use up to 40 hours of safe and sick leave per calendar year.

## YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SAFE AND SICK LEAVE.

Your employer cannot retaliate against you for:

- Requesting and using safe and sick leave.
- Filing a complaint for alleged violations of the law with DCA.
- Communicating with any person, including coworkers, about any violation of the law.
- Participating in a court proceeding regarding an alleged violation of the law.
- Informing another person of that person’s potential rights.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

## YOU HAVE A RIGHT TO FILE A COMPLAINT.

You can file a complaint with DCA. To get the complaint form, go online to [nyc.gov/PaidSickLeave](https://nyc.gov/PaidSickLeave) or contact 311 (212-NEW-YORK outside NYC).

DCA will conduct an investigation and try to resolve your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, resolve the complaint, or is required by law.

**Keep a copy of this notice and all documents that show your amount of safe and sick leave accrual and use.**

**Note: The Earned Safe and Sick Time Act sets the minimum requirements for safe and sick leave. Your employer’s leave policies may already meet or exceed the requirements of the law.**

You have a right to be given this notice in English and, if available on the DCA website, your primary language.

For more information, including Frequently Asked Questions, go to [nyc.gov/PaidSickLeave](https://nyc.gov/PaidSickLeave) or call **311** and ask for information about Paid Safe and Sick Leave.

# You Have a Right to Temporary Changes to Your Work Schedule

Under NYC's Temporary Schedule Change Law, covered employees have a right to temporary changes to their work schedule for certain "personal events." Employers must post this notice where employees can easily see it at each NYC workplace.

## Employees Covered by the Law

All employees who work 80+ hours per calendar year in NYC and who have been employed by their employer 120 or more days

**The law applies regardless of immigration status.**

**Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See below.**

## Employees NOT Covered by the Law

- Government employees
- Certain employees subject to a collective bargaining agreement
- Certain employees in motion picture, television, and live entertainment industries

## Definitions

### Personal event

A "personal event" can be any of the following:

- The need to care for a child under the age of 18
- The need to care for a "care recipient," a person with a disability who is a family or household member and relies on you for medical care or to meet the needs of daily living

### Temporary change

A "temporary change" means an adjustment to your usual schedule. This can include: using short-term unpaid leave, paid time off, working remotely, or swapping or shifting working hours.

- The need to attend a legal proceeding or hearing for public benefits to which the employee, a family member, or the employee's minor child or care recipient is a party
- Any other reason for which the employee may use leave under NYC's Paid Safe and Sick Leave Law

## Your Rights

### Temporary change to work schedule on up to two (2) occasions each calendar year



The change must be to accommodate a *personal event*. See Definitions. Your employer must grant requests for up to:

- Two (2) separate occasions, each totaling one (1) business day *OR*
- One (1) occasion for up to two (2) business days

### Freedom from retaliation for additional schedule change requests



You can request additional changes to your schedule. Employers are not required to grant additional requests; however, they cannot retaliate against you.

### If you need a temporary change to your work schedule:

As soon as you become aware of the need for a temporary schedule change, request one from your employer or direct supervisor either orally or in writing. Your request should include the date of the change, that the change is due to a personal event, and propose the type of temporary change you want (for example, to work from home), unless you would like to use leave without pay.

- Your employer must respond immediately.
- **If you requested the schedule change orally (for example, in person or by phone),** you must submit a written request no later than the second business day after you return to work. Include in the written request the date of the temporary schedule change and that the change was due to a personal event. Your employer must provide a written response within 14 days. *If you do not submit a written request, your employer is not required to provide a written response but cannot deny your request because you did not submit a written request.*
- Make sure to keep all of your schedules and any communications with your employer about scheduling.

### Ability to propose type of temporary change

You can propose the type of *temporary change* you would like when you request it. See Definitions.

Your employer must:

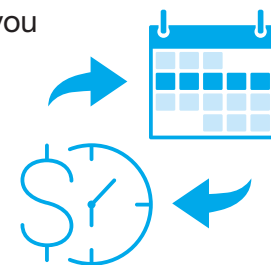
- Approve your proposal. *OR*
- Provide leave without pay.

Your employer may:

- Offer you the ability to use paid time off.  
Note: The law does not require employers to offer paid time off, and you do not need to accept such an offer.

Your employer may NOT:

- Require you to use leave earned under NYC's Paid Safe and Sick Leave Law for a temporary schedule change.



## File a Complaint

The Department of Consumer Affairs (DCA) Office of Labor Policy & Standards (OLPS) enforces NYC's Temporary Schedule Change Law and other NYC workplace laws.

**To file a complaint with OLPS,** go to [nyc.gov/dca](http://nyc.gov/dca) or **contact 311** (212-NEW-YORK outside NYC) and ask for "Temporary Schedule Change Law." OLPS will conduct an investigation and try to resolve your complaint. **OLPS will keep your identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

**You can also file an action in court.** However, you cannot have a complaint with OLPS and a claim in court at the same time.

## Contact OLPS

Visit [nyc.gov/dca](http://nyc.gov/dca), email [olps@dca.nyc.gov](mailto:olps@dca.nyc.gov), or **contact 311** (212-NEW-YORK outside NYC) and ask for "Temporary Schedule Change Law."



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You have a right to be given this notice in English and in any language that is the primary language of at least 5 percent of the workers at your workplace if the translation is available on the DCA website.

# BILL OF RIGHTS

for

## Nail Workers

**These are your rights regardless of immigration status**

Call For Information or Help:  
**(888) 469-7365**

### Minimum Wage:

You **MUST** be paid for **EVERY** hour you work including overtime, even if you are paid on “commission” or are not experienced:

If you are tipped, you must make:	AT LEAST	<b>\$6.60</b> /hour	AT LEAST	<b>\$10.98</b> /hour
		First 40 hours per week		After 40 hours per week
If you are not tipped, you must make:	AT LEAST	<b>\$8.75</b> /hour	AT LEAST	<b>\$13.13</b> /hour
		First 40 hours per week		After 40 hours per week

Hourly rates are calculated by weekly average.

### Employers Should NEVER:

- Take your tips or wages
- Pay you less than minimum wage
- Make you pay for a job, for training, as punishment or any other reason
- Deny you a lunch break
- Deny your right to wear a mask and/or gloves



### For Your Safety, You MUST:

- Wear a respirator (mask) when buffing/filing nails or when using artificial nail powder
- Wear gloves when handling chemicals or waste, during cleanup, and when performing any service that could break a customer’s skin
- Wear eye protection when preparing, transferring, or pouring chemicals



**Nail Salon Industry  
Enforcement  
Task Force**