

# NEW YORK Labor Laws

Department of Labor

## WE ARE YOUR DOL NEW YORK DEPARTMENT OF LABOR

## Attention Miscellaneous Industry Employees

Minimum Wage hourly rates effective 12/31/2022 – 12/30/2023

| New York City                          |  |
|--|--|
| Large Employers (11 or more employees) | Small Employers (10 or less employees) |
| <b>Minimum Wage</b>                    | <b>\$15.00</b>                         |
| Overtime after 40 hours                | \$22.50                                |
| <b>Tipped workers</b>                  | <b>\$15.00</b>                         |
| Overtime after 40 hours                | \$22.50                                |

| Long Island and Westchester County |                |
|------------------------------------|----------------|
| <b>Minimum Wage</b>                | <b>\$15.00</b> |
| Overtime after 40 hours            | \$22.50        |
| <b>Tipped workers</b>              | <b>\$15.00</b> |
| Overtime after 40 hours            | \$22.50        |

| Remainder of New York State |                |
|-----------------------------|----------------|
| <b>Minimum Wage</b>         | <b>\$14.20</b> |
| Overtime after 40 hours     | \$21.30        |
| <b>Tipped workers</b>       | <b>\$14.20</b> |
| Overtime after 40 hours     | \$21.30        |

If you have questions, need more information or want to file a complaint, please visit

[www.labor.ny.gov/minimum-wage](http://www.labor.ny.gov/minimum-wage) or call **1-888-469-7365**

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

- Tips** – Beginning December 31, 2020, your employer must pay the full applicable minimum wage rate, and cannot take any tip credit.
- 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.

## Minimum Wage Poster

## Post in Plain View

REV. 11/2022

**NOTICE:** This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.**

## Conviction

### NEW YORK CORRECTION LAW ARTICLE 23-A

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

#### Section 750. Definitions.

#### 751. Applicability.

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

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

#### 754. Written statement upon denial of license or employment.

#### 755. Enforcement.

#### 750. Definitions.

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

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#### 755. Enforcement.

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:

- 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
  - 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:
- 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.
  - The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
  - The bearing, if any, the criminal offense or offenses for which the person was previously convicted or held on his fitness or ability to perform one or more such duties or responsibilities.
  - The time which has elapsed since the occurrence of the criminal offense or offenses.
  - The age of the person at the time of occurrence of the criminal offense or offenses.
  - The seriousness of the offense or offenses.
  - Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
  - 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.

**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.

**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

**NOTICE:** Under the New York Health and Essential Rights Act, employers must post their airborne infectious disease exposure prevention plan. Because a plan is company-specific, it is not included on the New York Labor Law Poster but should be posted separately. Model plans are available from the state Department of Labor.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.  
IT DOES NOT FULFILL THE HERO ACT POSTING REQUIREMENT.**

**NOTICE:** Employers must contact their local unemployment office or the state agency responsible for unemployment compensation to receive the official Unemployment Insurance posting. Employers should contact their local unemployment office for information on how to claim unemployment benefits.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.  
IT DOES NOT FULFILL THIS STATE'S UNEMPLOYMENT INSURANCE POSTING REQUIREMENT.**

**NOTICE:** Employers must post the Paid Family Leave Notice of Compliance provided by their insurance carrier. An employer who is self-insured can obtain this notice from the Workers' Compensation Board.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.  
IT DOES NOT FULFILL THIS STATE'S PAID FAMILY LEAVE POSTING REQUIREMENT.**

**NOTICE:** The New York Department of Labor requires employers to provide employees with written notification of their rights under: Labor Law §202-Leave of absence for blood donation granted to employees; Labor Law §206-C-Right of nursing mothers to express breast milk. The notification may be published in an employee handbook or posted in a central location. More information is available from the New York Department of Labor.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.  
IT DOES NOT FULFILL THE NOTIFICATION REQUIREMENTS FOR BLOOD DONATION LEAVE OR THE RIGHTS OF NURSING MOTHERS.**

**NOTICE:** This state requires an employer to display a Workers' Compensation posting furnished by the employer's insurance carrier or a state agency. Employers should contact their insurance carrier or the appropriate state agency to obtain a copy of this state's Workers' Compensation posting or notice of compliance/certificate of insurance. Employees should refer to the Workers' Compensation posting or notice of compliance/certificate of insurance furnished by the state or the employer's insurance carrier for information about Workers' Compensation.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.  
IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT.**

## Discrimination

New York State

Division of Human Rights

1-888-392-3644  
WWW.DHR.NY.GOV

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

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

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

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

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

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

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

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

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

Does not apply to:  
(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

**ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR PURCHASE, MAINTENANCE AND REPAIR OF HOUSING PLACES OF PUBLIC ACCOMMODATION SUCH AS RESTAURANTS, HOTELS, HOSPITALS AND MEDICAL OFFICES, CLUBS, PARKS AND GOVERNMENT OFFICES**

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

**EDUCATION INSTITUTIONS**

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

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

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

Se prohíben las represalias por presentar una demanda u oponerse a prácticas discriminatorias. Puede presentar una demanda ante la División si sufrió represalias.

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## Vote

### New York State Election Law (As amended by Chapter 56 of the Laws of 2020)

#### § 3-110. Time allowed employees to vote.

- If a registered voter does not have sufficient time outside of his or her scheduled working hours, within which to vote on any day at which he or she may vote, at any election, he or she may, without loss of pay for up to two hours, take off so much working time as will, when added to his or her voting time outside his or her working hours, enable him or her to vote.
- If an employer has four consecutive hours either between the opening of the polls and the beginning of his or her working shift, or between the end of his or her working shift and the closing of the polls, he or she shall be deemed to have sufficient time outside his or her working hours within which to vote. If he or she has less than four consecutive hours he or she may take off so much working time as will, when added to his or her voting time outside his or her working hours enable him or her to vote, but not more than two hours of which shall be without loss of pay, provided that he or she 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.
- If the employer requires working time off to vote the employee shall notify his or her employer not more than ten nor 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.
- 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 EMPLOYERS

#### TIME ALLOWED EMPLOYEES TO VOTE ON ELECTION DAY

N.Y. ELECTION LAW SECTION 3-110 STATES THAT:

- IF YOU DO NOT HAVE 4 CONSECUTIVE HOURS TO VOTE, EITHER FROM THE OPENING OF THE POLLS TO THE BEGINNING OF YOUR WORKING SHIFT, OR BETWEEN THE END OF YOUR WORKING SHIFT AND THE CLOSING OF THE POLLS, YOU MAY TAKE TIME OFF UP TO 2 HOURS, WITHOUT LOSS OF PAY, TO ALLOW YOU TIME TO VOTE IF YOU ARE A REGISTERED VOTER.**
- 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, BUT NOT MORE THAN 10 DAYS, BEFORE THE DAY OF THE ELECTION THAT YOU WILL TAKE TIME OFF TO VOTE.**

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.

## Child Labor

Department of Labor, Division of Labor Standards, Worker Protection

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

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

### Additional Child Labor Law Information

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

An Employer 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 144 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:

|  |  |   |   |
|--|--|---|---|
| <b>ALBANY DISTRICT</b><br>5501 ONEILL CAMPUS<br>BLOC. 12 ROOM 185A<br>ALBANY, NY 12240<br>(518) 457-7730     | <b>BUFFALO DISTRICT</b><br>290 MAINE STREET<br>ROOM 226<br>BUFFALO, NY 14202<br>(716) 847-7141             | <b>GARDEN CITY DISTRICT</b><br>400 OVA STREET<br>SUITE 101<br>GARDEN CITY, NY 11530<br>(516) 794-8195 | <b>NEW YORK CITY DISTRICT</b><br>75 MARCK STREET<br>7TH FLOOR<br>NEW YORK, NY 10013<br>(212) 775-3880 |
| <b>ROCHESTER</b><br>SUN DISTRICT<br>276 WASHINGTON ROAD<br>ROOM 104<br>ROCHESTER, NY 14609<br>(585) 258-4550 | <b>SYRACUSE DISTRICT</b><br>333 EAST WASHINGTON STREET<br>ROOM 121<br>SYRACUSE, NY 13202<br>(315) 428-4057 | <b>WHITE PLAINS DISTRICT</b><br>120 BLOOMINGDALE ROAD<br>WHITE PLAINS, NY 10605<br>(914) 997-9521     |   |

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## Veteran Benefits and Services

Department of Labor, Division of Veterans' Services



### VETERAN BENEFITS