

FED

**OVERTIME PAY** 

**CHILD LABOR** 

agricultural employment.

**TIP CREDIT** 

up the difference

NURSING MOTHERS

DEPARTMENT OF LABOR

NY

UNITED STATES OF AMERICA

**Overtime after 40 hours** 

Overtime after 40 hours

Long Island and

Westchester County

**Tipped workers** 

**NOTICE:** Th

EXPRESS ANY DISCRIMINATION

# LABOR LAWS

Since 1953

# FEDERAL

# NEW YORK

#### FED FED **EMPLOYEE RIGHTS UNDER THE EMPLOYEE RIGHTS EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT** FAIR LABOR STANDARDS ACT **EMPLOYEE POLYGRAPH PROTECTION ACT** The United States Department of Labor Wage and Hour Division The Employee Polygraph Protection Act prohibits most private employers from The Act also permits polygraph testing, subject to restrictions, of certain employees Have at least 1,250 hours of service in the 12 months before taking leave;\* and **LEAVE ENTITLEMENTS** such employee has a need to express breast milk. Employers are also required to provide FEDERAL MINIMUM WAGE using lie detector tests either for pre-employment screening or during the of private firms who are reasonably suspected of involvement in a workplace incident Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. a place, other than a bathroom, that is shielded from view and free from intrusion from Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period (theft, embezzlement, etc.) that resulted in economic loss to the employer. course of employment. for the following reasons: coworkers and the public, which may be used by the employee to express breast milk. \*Special "hours of service" requirements apply to airline flight crew employees. **\$7.25 PER HOUR** The law does not preempt any provision of any State or local law or any collective **PROHIBITIONS** The birth of a child or placement of a child for adoption or foster care; ENFORCEMENT **REQUESTING LEAVE** bargaining agreement which is more restrictive with respect to lie detector tests. Employers are generally prohibited from requiring or requesting any employee or job To bond with a child (leave must be taken within 1 year of the child's birth or placement): **BEGINNING JULY 24, 2009** Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an The Department has authority to recover back wages and an equal amount in applicant to take a lie detector test, and from discharging, disciplining, or discriminating **EXAMINEE RIGHTS** To care for the employee's spouse, child, or parent who has a qualifying serious health condition liquidated damages in instances of minimum wage, overtime, and other violations. The employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. against an employee or prospective employee for refusing to take a test or for exercising Where polygraph tests are permitted, they are subject to numerous strict standards For the employee's own gualifying serious health condition that makes the employee unable to perform the employee's Department may litigate and/or recommend criminal prosecution. Employers may be Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if The law requires employers to display this poster where other rights under the Act. concerning the conduct and length of the test. Examinees have a number of specific assessed civil money penalties for each willful or repeated violation of the minimum the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will rights, including the right to a written notice before testing, the right to refuse or For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or employees can readily see it. wage or overtime pay provisions of the law. Civil money penalties may also be assessed **EXEMPTIONS** be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or liscontinue a test, and the right not to have test results disclosed to unauthorized for violations of the FLSA's child labor provisions. Heightened civil money penalties Federal, State and local governments are not affected by the law. Also, the law does not continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA may be assessed for each child labor violation that results in the death or serious iniury apply to tests given by the Federal Government to certain private individuals engaged in leave was previously taken or certified. At least 11/2 times the regular rate of pay for all hours worked over 40 in a workweek leave in a single 12-month period to care for the servicemember with a serious injury or illness. of any minor employee, and such assessments may be doubled when the violations ENFORCEMENT Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the national security-related activities. are determined to be willful or repeated. The law also prohibits retaliating against or An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may tak The Secretary of Labor may bring court actions to restrain violations and assess civil The Act permits polygraph (a kind of lie detector) tests to be administered in the private certification is incomplete, it must provide a written notice indicating what additional information is required. leave intermittently or on a reduced schedule discharging workers who file a complaint or participate in any proceeding under the sector, subject to restrictions, to certain prospective employees of security service firms penalties against violators. Employees or job applicants may also bring their own court An employee must be at least 16 years old to work in most non-farm jobs and at least **EMPLOYER RESPONSIBILITIES** Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 Once an employer becomes aware that an employee's need for leave is for a reason that may gualify under the FMLA, the accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. dispensers and 15 years old may work outside school hours in various non-manufacturing, non-ADDITIONAL INFORMATION employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. **BENEFITS & PROTECTIONS** Certain occupations and establishments are exempt from the minimum wage. responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave and/or overtime pay provisions. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, Special provisions apply to workers in American Samoa, the Commonwealth of FMI A leave 1-866-487-9243 the Northern Mariana Islands, and the Commonwealth of Puerto Rico. benefits, and other employment terms and conditions DEPARTMENT OF LABOR WAGE AND HOUR DIVISION Employers of "tipped employees" who meet certain conditions may claim a partial wage **ENFORCEMENT** TTY: 1-877-889-5627 Some state laws provide greater employee protections: employers must An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, credit based on tips received by their employees. Employers must pay tipped employees UNITED STATES OF AMERICA UNITED STATES DEPARTMENT OF LABOR Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. www.dol.gov/whd a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum comply with both. WH1462 an employe Some employers incorrectly classify workers as "independent contractors" wage obligation. If an employee's tips combined with the employer's cash wage of at **ELIGIBILITY REQUIREMENTS** The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective when they are actually employees under the FLSA. It is important to know the least \$2.13 per hour do not equal the minimum hourly wage, the employer must make An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: bargaining agreement that provides greater family or medical leave rights. REV. 07/2016 difference between the two because employees (unless exempt) are entitled Have worked for the employer for at least 12 months; to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not. For additional information or to file a complaint: The FLSA requires employers to provide reasonable break time for a nursing mother Certain full-time students, student learners, apprentices, and workers with NY employee who is subject to the FLSA's overtime requirements in order for the employee disabilities may be paid less than the minimum wage under special certificate 1-866-4-USWAGE Department of Labor, Division of Labor Standards, Worker Protection DEPARTMENT OF LABOR to express breast milk for her nursing child for one year after the child's birth each time issued by the Department of Labor. UNITED STATES OF AMERICA (1-866-487-9243) TTY: 1-877-889-5627 Summary of New York State Child Labor Law www.dol.gov/whd Permitted Working Hours for Minors Under 18 Years of Age 1-866-487-9243 WAGE AND HOUR DIVISION TTY: 1-877-889-5627 U.S. Department of Labor • Wage and Hour Division • WH1420 UNITED STATES DEPARTMENT OF LABOR Age of Mino Industry or Occupation **Permitted Hours** www.dol.gov/whd REV. 04/2016 **Girls and Boys** WH1088 **Days** Per Daily Weekly Hour Hours Week REV. 07/2016 FED 7 AM to 7 PM 14 and 15 18<sup>1</sup> Attending School hours on school dav 6 All occupations except farm **YOUR RIGHTS UNDER USERRA** When school is in work, newspaper carrier and 8 hours on other days. THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT treet trades Department of Labor USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster 16 and 17 28<sup>4</sup> 6<sup>4</sup> 6 AM to 10 PM<sup>3</sup> All occupations except farm hours on days preceding work, newspaper carrier and school davs: Mondav, Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. **Attention Miscellaneous** uesday, Wednesday, street trades. **REEMPLOYMENT RIGHTS** WE ARE YOUR DOL **HEALTH INSURANCE PROTECTION** Thursday You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: If you leave your job to perform military service, you have the right to elect to continue your existing employer-based 8 hours on: Friday, Saturday NEW YORK DEPARTMENT OF LABOR Industry Employees you ensure that your employer receives advance written or verbal notice of your service; health plan coverage for you and your dependents for up to 24 months while in the military. Sunday and Holidays. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your you have five years or less of cumulative service in the uniformed services while with that particular employer employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing 7 AM to 9 PM June 21 Attending School, 14 and 15 All occupations except farm 8 hours 40 you return to work or apply for reemployment in a timely manner after conclusion of service; and Minimum Wage hourly rates effective 12/31/2022 – 12/30/2023 condition exclusions) except for service-connected illnesses or injuries. When School is not i work, newspaper carrier and Labor Dav you have not been separated from service with a disqualifying discharge or under other than honorable conditions session (vacation): street trades. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been ENFORCEMENT absent due to military service or, in some cases, a comparable job. **New York City** The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve 16 and 17 48<sup>4</sup> 6 AM to Midnight<sup>₄</sup> All occupations except farm 8 hours<sup>4</sup> 6<sup>4</sup> complaints of USERRA violations **RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION** work, newspaper carrier and For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or Large Employers (**11 or more** employees) Small Employers (10 or less employees) If you: treet trades visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at are a past or present member of the uniformed service: • are obligated to serve in the uniformed service; https://webapps.dol.gov/elaws/vets/userra Not Attending 16 and 17 All occupations except farm 8 hours<sup>4</sup> 48<sup>4</sup> 6<sup>4</sup> 6 AM to Midnight<sup>4</sup> have applied for membership in the uniformed \$15.00 **Minimum Wage** \$15.00 Minimum Wage If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the School: work, newspaper carrier and service; or Department of Justice or the Office of Special Counsel, as applicable, for representation treet trades then an employer may not deny you: Overtime after 40 hours \$22.50 \$22.50 You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. initial employment: promotion; or The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on \$15.00 \$15.00 reemployment; any benefit of employmen Tipped workers arm Work: 12 and 13 land harvest of berries, fruits June 21 to Labor Day the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify 4 hours retention in employment employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they and vegetables. 7 AM to 7 PM. \$22.50 \$22.50 Overtime after 40 hours because of this status. customarily place notices for employees Dav after Labor Dav to In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or June 20, 9 AM to 4 PM making a statement in connection with a proceeding under USERRA, even if that person has no service connection

5 AM to 7 PM or 30

utes prior to supse

whichever is later

Westches	ster County	New York Sta	te	Newspaper Carriers	: 11 to 18	Delivers, or sells and
Minimum Wage	\$15.00	Minimum Wage	\$14.20	Newspaper carriers		newspapers, shoppin or periodicals to hom
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$21.30			business places.
Tipped workers	\$15.00	Tipped workers	\$14.20	Street Trades:	14 to 18	Self-employed work i
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$21.30			places selling newspa work as a bootblack
<ul> <li>minimum wage rate, and cannot t</li> <li>Meals and lodging – Your emplo for meals and lodging that they preserved.</li> </ul>	20, your employer must pay the full applicable ake any tip credit. yer may claim a limited amount of your wages ovide to you, as long as they do not charge quirements are set forth in wage orders and		r regular rate of pay (no less than er 40 (or 44 for residential employees). ried professionals, or for executives y is more than 75 times the minimum I and your employer sends you home bay at the minimum wage rate for ager than ten hours, you may be qual to one hour of pay at the	school day, 23 hours in a <sup>2</sup> Students 16 and 17 em up to 6 hours on a day p school is in session, as la <b>The Employer must p</b> <b>An Employment Certi</b> <b>Penalties for Child La</b> • First viola • Second v • Third or r * If a minor is seriously Also, Section 14A of the	any one-week when sc rolled in an approved G preceding a school day ong as the hours are in <b>cost a schedule of wo</b> <b>ificate (Working Pap</b> <b>ibor Laws violations</b> : ation: maximum \$1,00 iolation: maximum \$1,00 iolation: maximum \$2, more violations: maxim injured or dies while ill Workers' Compensatio	Cooperative Education Prog other than a Sunday or Ho a conjunction with the Prog Additi ork hours for minors un per) is required for all emp :: 200*
	<b>Minimum</b> M	additional weekly pay. The weekly rates are a	available online.	For more information questions, please send	<b>n about New York Sta</b> them to one of the offic	ate Child Labor Laws ar ices listed below at:
		e federal Employee Rights Under the Fair Labor Stand partment of Labor dictates that the employee is enti		ALBANY DISTRICT STATE OFFICE CAMPUS BLDG. 12 ROOM 185A ALBANY, NY 12240 (518) 457-2730 ROCHESTER SUB-DISTRICT 276 WARING ROAD ROOM 104 ROCHESTER, NY 14609 (585) 258-4550		vision of Labor Standard Buffalo District 290 Maine Street Room 226 Buffalo, NY 14202 (716) 847-7141 Syracuse District 333 East Washington S Room 121 Syracuse, NY 13202 (315) 428-4057
New York State	ivision of Iuman Rights	1-888-392-3644 WWW.DHR.NY.GOV		LS 171		
THIS ESTABLISHMENT IS SUBJECT TO THE NE (EXECUTIVE LAW, ARTICLE 15) DISCRIMINATION BASED UPON AGE, RACE, C ORIENTATION, MILITARY STATUS, SEX, PREG DISABILITY OR MARITAL STATUS IS PROHIBI	REED, COLOR, NATIONAL ORIGIN, SEXUAL	ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DEI NUEVA YORK (LEY EJECUTIVA, SECCIÓN 15) LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUE DISCRIMINACIÓN POR EDAD, RAZA, CREDO, COLOR, OI SEXUAL, ESTATUS MILITAR, SEXO, EMBARAZO, IDENTI	VA YORK PROHÍBE LA RIGEN NACIONAL, ORIENTACIÓN	NY		KO AKO AKO AK Ne
APPRENTICESHIP TRAINING PROGRAMS Also prohibited: discrimination in employm	D, only employers with 4 or more AGENCIES, LABOR ORGANIZATIONS AND the net on the basis of Sabbath observance or th race (also applies to all areas listed below); ng genetic characteristics; familial status; olence victim status. with disabilities and pregnancy-related ired. A reasonable accommodation is an	DISCAPACIDAD O ESTADO CIVIL. TAMBIÉN ESTÁ PROHI POR CUALQUIERA DE ESTAS CLASES PROTEGIDAS. TODOS LOS EMPLEADORES (hasta el 8 de febrer de cuatro o más personas), AGENCIAS DE EMPLI Y PROGRAMAS DE CAPACITACIÓN DE APRENDICE Asimismo, está prohibida la discriminación en el emp del Shabat o prácticas religiosas; peinados asociados a las áreas enumeradas a continuación) arresto previ características genéticas predisponentes; el estado ci el embarazo. Es posible que sea necesario hacer acomodos razonal discapacidades y condiciones relacionadas con el em	o de 2020, solo los empleadores EO ORGANIZACIONES DE TRABAJO S oleo sobre la base de la observancia con la raza (también se aplica o o antecedentes penales; las ivil; las condiciones relacionadas con bles para personas con	Section 750. Definition 751. Applicability. 752. Unfair discrimina more criminal offens 753. Factors to be con presumption.	ons. ation against person es prohibited. nsidered concerning	MENT OF PERSO ns previously convicted a previous criminal con icense or employment.
perform the essential functions of a job in a Also covered: domestic workers are protect and nonemployees working in the workpla protected from all discrimination described <b>RENTAL, LEASE OR SALE OF HOUSING, LA</b> <b>ACTIVITIES OF REAL ESTATE BROKERS AI</b> Also prohibited: discrimination on the basis housing vouchers, disability benefits, child children or being pregnant); prior arrest or blockbusting	a reasonable manner. ed from harassment and retaliation; interns ce (for example temp or contract workers) are above. AND AND COMMERCIAL SPACE, INCLUDING ND SALES PEOPLE is of lawful source of income (for example support); familial status (families with sealed conviction; commercial boycotts or	arreglo razonable es una adaptación a un trabajo o e una persona con discapacidad realice las tareas esen razonable. También están cubiertos: trabajadores domésticos es represalias; internos y no empleados cuales trabajan trabajadores temporarios o contratantes) están prote descrita arriba. ALQUILER, ARRENDAMIENTO O VENTA DE VIVIEN COMERCIAL INCLUYENDO ACTIVIDADES DE AGEN VENDEDORES También esta prohibido: la discriminación a base de	ntorno laboral que permita que ciales de un trabajo de manera stán protegidos en casos acoso y en el lugar de trabajo (por ejemplo egidos de toda discriminación IDA, TERRENO O ESPACIO TE DE BIENES RAÍCES Y	following meanings: (1) "Public agenc or local depar (2) "Private empl organization of (3) "Direct relation person was co one or more of opportunity, of	y" means the state or a tment, agency, board c oyer" means any perso or association which en inship" means that the povicted has a direct be of the duties or responsi or job in question.	on, company, corporation, mploys ten or more persor enature of criminal conduc earing on his fitness or abi sibilities necessarily related
(3) rental of a room by the occupant of a ho	upied two-family house commodation to individuals of the same sex use or apartment s of housing exclusively to persons 55 years of s FINANCING FOR PURCHASE,	vales, beneficios de discapacidad, manutención de n niños o en estado de embarazo); arresto previo o con acoso inmobiliario. También es posible que sea necesario realizar modifi personas con discapacidades. Excepciones: (1) alquiler de un apartamento en una casa para dos (2) restricciones de todas las habitaciones en una viv sexo	iños); estado familiar (familias con dena sellada; boicot comercial o caciones y arreglos razonables para familias ocupada por el dueño ienda para individuos del mismo	by the laws of a condition fo vocation, busi for the purpos carry, or fire a (5) "Employment of vocational shall not, for t enforcement a	this state, its political r the lawful practice of iness, or profession. Pro ses of this article, inclue ny explosive, pistol, ha "means any occupatio or educational training the purposes of this art agency.	nse, permit or grant of per subdivisions or instrumen f any occupation, employn ovided, however, that "lice de any license or permit to andgun, rifle, shotgun, or o on, vocation or employmer g. Provided, however, that ' ticle, include membership
PLACES OF PUBLIC ACCOMMODATION SU HOSPITALS AND MEDICAL OFFICES, CLU Exception: Age is not a covered classification relative to Reasonable accommodations for persons w EDUCATION INSTITUTIONS All public schools and private nonprofit sch run by religious organizations. ADVERTISING AND APPLICATIONS RELA	ICH AS RESTAURANTS, HOTELS, BS, PARKS AND GOVERNMENT OFFICES o public accommodations. iith disabilities may also be required. ools, at all education levels, excluding those TING TO EMPLOYMENT, REAL ESTATE,	<ul> <li>(3) alquiler de una habitación por parte del ocupante (4) venta, alquiler o arrendamiento de alojamiento e personas mayores de 55 años y al cónyuge de dichas También se prohíbe: discriminación en vivienda sobr ejemplo, familias con hijos).</li> <li>TODAS TRANSACCIONES CREDITICIAS INCLUYEND COMPRA, MANTENIMIENTO Y REPARACION DE VI LUGARES DE ALOJAMIENTO PÚBLICO, COMO REST HOSPITALES Y CONSULTORIOS MÉDICOS, CLUBS, GOBIERNO.</li> </ul>	n una casa exclusivamente a personas e la base del estado civil (por PO FINANCIAMENTO PARA LA VIENDAS FAURANTES, HOTELES,	any person for a license previously been convict jurisdiction, and to any of one or more criminal employment or grantin or bar to employment is pardon, certificate of rel article shall be construe intentional misrepresen	or employment at any ed of one or more crim license or employment offenses in this state o g of a license, except w s imposed by law, and l lief from disabilities or ed to affect any right an itation in connection w	rticle shall apply to any app y public or private employed inal offenses in this state of t held by any person whos or in any other jurisdiction where a mandatory forfeitt has not been removed by a certificate of good conduce removed may have with with an application for emp e by a current employee.
PLACES OF PUBLIC ACCOMMODATION AN EXPRESS ANY DISCRIMINATION	ND CREDIT TRANSACTIONS MAY NOT	Excepción:		§752. Unfair discrimi		

**Remainder of** 

New York State

§752. Unfair discrimination against persons previously convicted of one or La edad no es una clasificación cubierta respecto a los alojamientos públicos. Es posible

		busiliess places.					
Street Trades:	14 to 18	Self-employed work in public places selling newspapers or work as a bootblack	4 hours on scho 5 hours on othe				6 AM to 7 PM
thool day, 23 hours in any Students 16 and 17 enrolle p to 6 hours on a day prec	one-week when scho ed in an approved Coop eding a school day oth	k/study program may work 3 hour ol is in session. perative Education Program may w er than a Sunday or Holiday wher njunction with the Program.	conse vork schoo n <sup>4</sup> This	nt on day prece I day with writt	ding a school day and ten parental consent.	d until midnight o	educational authorities n day preceding a non- hotels or restaurants in
An Employment Certific Penalties for Child Labo First violatio Second viola Third or mor If a minor is seriously inju Also, Section 14A of the Wc Vote: There are many prohi For more information al questions, please send thei New York State Departm ALBANY DISTRICT STATE OFFICE CAMPUS BLDG, 12 ROOM 185A ALBANY, NY 12240 (518) 457-2730 Rochester SUB-DISTRICT	ate (Working Paper r Laws violations: n: maximum \$1,000* ition: maximum \$2,00 e violations: maximum ired or dies while illeg: rrkers' Compensation L bited occupations for bout New York State m to one of the offices nent of Labor, Divisi	n \$3,000* ally employed, the penalty is three aw provides double compensation minors in New York State. c <b>Child Labor Laws and provisio</b> listed below at: <b>on of Labor Standards:</b> <b>BUFFALO DISTRICT</b> 290 MAINE STREET ROOM 226 BUFFALO, NY 14202 (716) 847-7141 <b>SYRACUSE DISTRICT</b> 333 EAST WASHINGTON STREET	ors under 18 year e times the maxi n and death benc ons please visit t Gar 400 Sun GAF (51 WH 120	s old. num penalty. fits for minors i ne Department ( ) Oak Street e 101 Den City, NY 11 6) 794-8195 I <b>ITE PLAINS DISTR</b> ) BLOOMINGDALE F	of Labor's website at TT 530 ICT ROAD	http://www.labor New York C 75 Varick S 7th Floor New York, N (212) 775-	ITY DISTRICT TREET VY 10013
276 WARING ROAD ROOM 104 ROCHESTER, NY 14609 (585) 258-4550		Room 121 Syracuse, NY 13202 (315) 428-4057	WH	ite Plains, NY 1 4) 997-9521			
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<b>LICENSURE A</b>	ND EMPLOYM	ENT OF PERSONS PRE					
Section 750. Definitions 751. Applicability.			(1)		lirect relationship bet nd the specific license		of the previous criminal ought or held by the
		previously convicted of one or	(2)	individual; the issuanc		he license or the c	ranting or continuation
753. Factors to be consid		previous criminal conviction;	(-)	of the emp		ve an unreasonabl	e risk to property or to the
presumption. 754. Written statement 755. Enforcement.	upon denial of licer	nse or employment.	pres	. Factors to be umption. 1. In	e considered concer making a determinat	r <b>ning a previous</b> tion pursuant to se	criminal conviction; cction seven hundred fifty- nall consider the following
§750. Definitions. For the	e purposes of this artic	le, the following terms shall have	facto	rs:		. ,	act, to encourage the
		local subdivision thereof, or any s		licensure ai criminal of	nd employment of pe fenses.	rsons previously c	onvicted of one or more
(2) "Private employe		company, corporation, labor	(b)		c duties and responsil nt sought or held by 1		related to the license or
organization or association which employs ten or more persons. (3) "Direct relationship" means that the nature of criminal conduct for which the			(c)				
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,			orm	such duties	s or responsibilities.		<i>,</i> .
opportunity, or jo	b in question.		(u)	offenses.			f the criminal offense or
by the laws of thi	s state, its political sub	, permit or grant of permission rec odivisions or instrumentalities as	. (c)	The age of offenses.	the person at the tim	e of occurrence of	the criminal offense or
vocation, busines	s, or profession. Provid	y occupation, employment, trade, ded, however, that "license" shall r	not, (1)	The serious	sness of the offense o		ced on his behalf, in regard
		any license or permit to own, poss gun, rifle, shotgun, or other firear	m	to his rehat	bilitation and good co	onduct.	
(5) "Employment" m of vocational or e shall not, for the	eans any occupation, ducational training. Pr purposes of this article	vocation or employment, or any fo rovided, however, that "employme e, include membership in any law	orm <sup>(n)</sup> ent″	property, a public.	nd the safety and we	lfare of specific inc	vate employer in protecting dividuals or the general dred fifty-two of this
any person for a license or previously been convicted	provisions of this articl employment at any pu of one or more crimina	e shall apply to any application by Iblic or private employer, who has Il offenses in this state or in any ot eld by any person whose convictio	/ chap / certif her appli n offen	er, the public ag icate of relief fro cant, which cert se or offenses sp	gency or private emp om disabilities or a ce ificate shall create a p pecified therein.	loyer shall also giv rtificate of good co presumption of rel	e consideration to a onduct issued to the nabilitation in regard to the
of one or more criminal off employment or granting of or bar to employment is im pardon, certificate of relief	enses in this state or ir f a license, except whe posed by law, and has from disabilities or cer	any other jurisdiction preceded s re a mandatory forfeiture, disabili not been removed by an executiv tificate of good conduct. Nothing	uch <b>§754</b> ty of an re denie in this denie	y person previou d a license or er n thirty days of	usly convicted of one mployment, a public	or more criminal o agency or private (	nployment. At the request offenses who has been employer shall provide, forth the reasons for such
		nployer may have with respect to an application for employment n			<b>t.</b> 1. In relation to act	ions by public age	ncies, the provisions of this

§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

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## Know Your Rights: Workplace Discrimination is Illegal

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U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel

Employer Support of the Guard and Reserve • 1-800-336-4590

What can You Do if You Believe Discrimination has Occurred?

**EMPLOYERS HOLDING FEDERAL CONTRACTS OR** 

SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP)

enforces the nondiscrimination and affirmative action commitments of companies

doing business with the Federal Government. If you are applying for a job with, or are

an employee of, a company with a Federal contract or subcontract, you are protected

Race, Color, Religion, Sex, Sexual Orientation, Gender

#### The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

https://publicportal.eeoc.gov/Portal/Login.aspx

1\_800\_669\_4000 (toll free)

1-844-234-5122 (ASL video phone

an EEOC field office (information at

1-800-669-6820 (TTY)

www.eeoc.gov/field-office)

Additional information about the EEOC, including

information about filing a charge of discrimination

info@eeoc.gov

is available at www.eeoc.gov

E-Mail

- Contact the EEOC promptly if you suspect discrimination. Do not delay, because there Employees (current and former), including managers and temporary are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways: Union members and applicants for membership in a union **Submit** an inquiry through the EEOC's public portal: What Organizations are Covered? Most private employers State and local governments (as employers)
  - Educational institutions (as employers)
- Unions Staffing agencies

#### What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Religion
- National origin Sex (including pregnancy and related conditions, sexual orientation, or
- aender identity)
- Age (40 and older)

Color

FED

Who is Protected

Job applicants

- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or
- participating in a discrimination lawsuit, investigation, or proceeding.

### What Employment Practices can be Challenged as

**Discriminatory**?

REV. 09/2020

- All aspects of employment, including: Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability or a sincerely-
- held religious belief, observance or practice
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or

Identity, National Origin Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all

aspects of employment

## Asking About, Disclosing, or Discussing Pay

under Federal law from discrimination on the following bases

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing Federal financial assistance their compensation or the compensation of other applicants or employees

#### Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

**New York State Election Law** 

(As amended by Chapter 56 of the Laws of 2020)

The Vietnam Era Veterans' Readiustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

#### Retaliation

Protected Veteran Status

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws Any person who believes a contractor has violated its nondiscrimination or affirmative

action obligations under OFCCP's authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP)

U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210

1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a guestion online to OFCCP's Help Desk at *https://ofccphelpdesk.dol.gov/s/*, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

## **PROGRAMS OR ACTIVITIES RECEIVING FEDERAL** FINANCIAL ASSISTANCE

#### Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such orograms. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive

#### Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment iscrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

REV. 10/20/2022

#### § 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
- If an employee 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.
- 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 EMPLOYEES TIME ALLOWED EMPLOYEES TO VOTE ON ELECTION DAY N.Y. ELECTION LAW SECTION 3-110<sup>1</sup> 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 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, UNI ESS 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

<sup>1</sup>Fmplovers: 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.

## Rev. 04/14/2020

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

of one or more o the license or

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ch the person was rform one or more ninal offense or

- If the employee requires working time off to vote the employee shall notify his or her employer not more than ten nor

14 to 18

Any farm work

Delivers or sells and delivers

newspapers, shopping pape

or periodicals to homes or

4 hours on school days

5 hours on other davs



discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that the employee

because such employee does any of the following

privileges, or remedies of any employee under any other law or regulation or

section was without basis in law or in fact.

Existing rights. Nothing in this section shall be deemed to diminish the rights,

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.

