EMPLOYEE RIGHTS UNDER THE

FAIR LABOR STANDARDS ACT

ENFORCEMENT

proceeding under the FLSA.

FEDERAL MINIMUM WAGE \$7.25 PER HOUR **BEGINNING JULY 24, 2009**

J. J. Keller

& Associates, Inc.®

Since 1953

The law requires employers to display this poster where

employees can readily see it. **OVERTIME PAY**

At least 1½ times the regular rate of pay for all hours worked over 40 in a

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various

restrictions. Different rules apply in agricultural employment.

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the

non-manufacturing, non-mining, non-hazardous jobs with certain work hours

NURSING MOTHERS

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her pursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that

minimum hourly wage, the employer must make up the difference.

NY

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR



Small Employers (10 or less employees)

\$15.00

Remainder of

New York State

\$12.50

for executives and administrative staff whose weekly salary is more

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

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

Uniform maintenance – If you clean your own uniform, you may

be entitled to additional weekly pay. The weekly rates are available

Post in Plain View

REV. 12/2020

\$15.00

\$12.50

is shielded from view and free from intrusion from coworkers and the public,

The Department has authority to recover back wages and an equal amount

other violations. The Department may litigate and/or recommend criminal

prosecution. Employers may be assessed civil money penalties for each willful

or repeated violation of the minimum wage or overtime pay provisions of the

law. Civil money penalties may also be assessed for violations of the FLSA's

each child labor violation that results in the death or serious injury of any

are determined to be willful or repeated. The law also prohibits retaliating

against or discharging workers who file a complaint or participate in any

minimum wage, and/or overtime pay provisions.

Commonwealth of Puerto Rico.

must comply with both.

minor employee, and such assessments may be doubled when the violations

Certain occupations and establishments are exempt from the

Special provisions apply to workers in American Samoa, the

Some state laws provide greater employee protections: employers

Some employers incorrectly classify workers as "independent

contractors" when they are actually employees under the FLSA.

It is important to know the difference between the two because

employees (unless exempt) are entitled to the FLSA's minimum wage

and overtime pay protections and correctly classified independent

Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under

special certificates issued by the Department of Labor.

Commonwealth of the Northern Mariana Islands, and the

child labor provisions. Heightened civil money penalties may be assessed for

in liquidated damages in instances of minimum wage, overtime, and

which may be used by the employee to express breast milk.

REV. 07/2016

WH1088

Department of Labor

WE ARE YOUR DOL NEW YORK DEPARTMENT OF LABOR

Attention Miscellaneous

Industry Employees

Minimum Wage

Overtime after 40 hours \$22.50

Minimum Wage

Overtime after 40 hours \$18.75

Overtime after 40 hours \$18.75

than 75 times the minimum wage rate.

the minimum wage rate for that day.

of pay at the minimum wage rate

Tipped workers

Tipped workers

Minimum Wage hourly rates effective 12/31/2020 – 12/30/2021 **New York City**

Large Employers (11 or more employees)

Minimum Wage \$15.00

\$15.00 Tipped workers Overtime after 40 hours \$22.50

Westchester County Minimum Wage \$14.00

Long Island and

Overtime after 40 hours \$21.00

Tipped workers

Overtime after 40 hours \$21.00

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

www.labor.ny.gov/minimumwage or call: 1-888-469-7365. Exceptions: Overtime is not required for salaried professionals, or

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

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).

LS 207

Minimum Wage Poster

1-888-392-3644

WWW.DHR.NY.GOV

ESTADO DE NUEVA YORK (LEY EJECUTIVA, SECCIÓN 15)

ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS DEL

LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK PROHÍBE

LA DISCRIMINACIÓN POR EDAD, RAZA, CREDO, COLOR, ORIGEN NACIONAL

ORIENTACIÓN SEXUAL, ESTATUS MILITAR, SEXO, EMBARAZO, IDENTIDAD

O EXPRESIÓN DE GÉNERO DISCAPACIDAD O ESTADO CIVIL TAMBIÉN ESTÁ

TODOS LOS EMPLEADORES (hasta el 8 de febrero de 2020, solo los

empleadores de cuatro o más personas), AGENCIAS DE EMPLEO

ORGANIZACIONES DE TRABAJO Y PROGRAMAS DE CAPACITACIÓN DE

Asimismo, está prohibida la discriminación en el empleo sobre la base de la

observancia del Shabat o prácticas religiosas; peinados asociados con la raza

(también se aplica a las áreas enumeradas a continuación) arresto previo o

antecedentes penales; las características genéticas predisponentes; el estado

Es posible que sea necesario hacer acomodos razonables para personas

con discapacidades y condiciones relacionadas con el embarazo incluyendo

lactación. Un arreglo razonable es una adaptación a un trabajo o entorno

También están cubiertos: trabajadores domésticos están protegidos en casos acoso y represalias; internos y no empleados cuales trabajan en el lugar

ALQUILER, ARRENDAMIENTO O VENTA DE VIVIENDA, TERRENO O ESPACIO

COMERCIAL INCLUYENDO ACTIVIDADES DE AGENTE DE BIENES RAÍCES Y

También esta prohibido: la discriminación a base de fuente de ingreso legal

estado familiar (familias con niños o en estado de embarazo); arresto previo o

(por ejemplo vales, beneficios de discapacidad, manutención de niños);

También es posible que sea necesario realizar modificaciones y arreglos

(1) alguiler de un apartamento en una casa para dos familias ocupada por el

(2) restricciones de todas las habitaciones en una vivienda para individuos del

(4) venta, alquiler o arrendamiento de alojamiento en una casa exclusivamente

También se prohíbe: discriminación en vivienda sobre la base del estado civil

TODAS TRANSACCIONES CREDITICIAS INCLUYENDO FINANCIAMENTO

PARA LA COMPRA, MANTENIMIENTO Y REPARACION DE VIVIENDAS

LUGARES DE ALOJAMIENTO PÚBLICO, COMO RESTAURANTES, HOTELES,

HOSPITALES Y CONSULTORIOS MÉDICOS, CLUBS, PARQUES Y OFFICINAS

La edad no es una clasificación cubierta respecto a los alojamientos públicos.

Es posible que sea necesario realizar arreglos razonables para personas con

Todas las escuelas publicas y escuelas privadas sin ánimo de lucro, en todos los

niveles, excluyendo escuelas dirigidas por organizaciones religiosas.

PUBLICIDAD Y SOLICITUDES RELACIONADAS CON EL EMPLEO,

LOS INMUEBLES, LOS LUGARES DE ALOJAMIENTO PÚBLICO Y LAS

TRANSACCIONES CREDITICIAS NO DEBEN EXPRESAR NINGUN ACTO

debe hacerlo dentro de un año desde que ocurra la discriminación. Los

Si desea presentar una demanda formal ante la División de Derechos Humanos

Si desea presentar una demanda ante el Tribunal Estatal, puede hacerlo dentro

de los tres años desde que ocurriera la discriminación. No puede presentar una

Se prohíben las represalias por presentar una demanda u oponerse

a prácticas discriminatorias. Puede presentar una demanda ante la

PARA OBTENER MÁS INFORMACIÓN, ESCRIBA O LLAME A LA OFICINA MÁS

CERCANA DE LA DIVISIÓN. OFICINA CENTRAL: ONE FORDHAM PLAZA. 4TH

(3) alquiler de una habitación por parte del ocupante de una casa o

a personas mayores de 55 años y al cónyuge de dichas personas

laboral que permita que una persona con discapacidad realice las tareas

de trabajo (por ejemplo trabajadores temporarios o contratantes) estár

civil: las condiciones relacionadas con el embarazo.

esenciales de un trabajo de manera razonable.

protegidos de toda discriminación descrita arriba.

condena sellada; boicot comercial o acoso inmobiliario.

razonables para personas con discapacidades.

(por ejemplo, familias con hijos)

INSTITUCIONES EDUCATIVAS

servicios de la División se ofrecen sin cargo

División si sufrió represalias

demanda ante la División y ante el Tribunal Estatal.

DEL GOBIERNO.

Excepción:

Excepciones

PROHIBIDO EL ACOSO SEXUAL O EL ACOSO POR CUALQUIERA DE ESTAS CLASES

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

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

NY

higher minimum wage rate

New York State Human Rights

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 DISARII ITY 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 pregnancyrelated conditions including lactation may be required. A reasonable

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,

accommodation is an adjustment to a job or work environment that enables

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

(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

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

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

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.

HEADOUARTERS: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

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

New York State Election Law

§ 3-110. Time allowed employees to vote.

NY

his or her voting time outside his or her working hours, enable him or

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 pav. 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 employee 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 EMPLOYEES

If a registered voter does not have sufficient time outside of his or her TIME ALLOWED EMPLOYEES TO VOTE ON ELECTION DAY scheduled working hours, within which to vote on any day at which he N.Y. ELECTION LAW SECTION 3-110¹ or she may vote, at any election, he or she may, without loss of pay for STATES THAT: up to two hours, take off so much working time as will, when added to

IF YOU DO NOT HAVE 4 CONSECUTIVE HOURS TO VOTE, EITHER FROM THE OPENING OF THE POLLS TO THE BEGINNING OF YOUR 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, 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.

¹Employers: 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

FED

DEPARTMENT OF

UNITED STATES OF

AMFRICA

FED

REEMPLOYMENT RIGHTS

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

disclosed to unauthorized persons.

their own court actions.

The Employee Polygraph Protection Act prohibits most private workplace incident (theft, embezzlement, etc.) that resulted in economic loss employers from using lie detector tests either for pre-employment

screening or during the course of employment. The law does not preempt any provision of any State or local law or any Employers are generally prohibited from requiring or requesting any employee **EXAMINEE RIGHTS**

or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to Where polygraph tests are permitted, they are subject to numerous strict take a test or for exercising other rights under the Act. standards concerning the conduct and length of the test. Examinees have a the right to refuse or discontinue a test, and the right not to have test results

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of

security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a

> WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

collective bargaining agreement which is more restrictive with respect to lie

number of specific rights, including the right to a written notice before testing,

The Secretary of Labor may bring court actions to restrain violations and assess

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE

EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

If you leave your job to perform military service, you have the right

coverage for you and your dependents for up to 24 months while in

service, you have the right to be reinstated in your employer's health

periods or exclusions (e.g., pre-existing condition exclusions) except

The U.S. Department of Labor, Veterans Employment and Training

For assistance in filing a complaint, or for any other information on

USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at

You may also bypass the VETS process and bring a civil action against

Service (VETS) is authorized to investigate and resolve complaints of

to elect to continue your existing employer-based health plan

Even if you don't elect to continue coverage during your military

plan when you are reemployed, generally without any waiting

for service-connected illnesses or injuries.

civil penalties against violators. Employees or job applicants may also bring



REV. 07/2016

YOUR RIGHTS UNDER USERRA

service connection.

ENFORCEMENT

HEALTH INSURANCE PROTECTION

the military.

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or in connection with a proceeding under USERRA, even if that person has no

involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: vou ensure that your employer receives advance written or verbal

you have five years or less of cumulative service in the uniformed services while with that particular employer

you return to work or apply for reemployment in a timely manner you have not been separated from service with a disqualifying discharge or under other than honorable conditions If you are eligible to be reemployed, you must be restored to the job and

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION are a past or present member • are obligated to serve in the of the uniformed service;

service or, in some cases, a comparable job.

reemployment;

NY

retention in employment;

benefits you would have attained if you had not been absent due to military

have applied for membership in the uniformed service: or then an employer may not deny you: initial employment: any benefit of employment

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement

http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm. If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

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

an employer for violations of USERRA.

REV. 04/2017

NEW YORK CORRECTION LAW

LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY

Section 750. Definitions. 751. Applicability. 752. Unfair discrimination against persons previously convicted of

753. Factors to be considered concerning a previous criminal conviction; presumption. 754. Written statement upon denial of license or employment. 755. Enforcement.

§750. Definitions. For the purposes of this article, the following terms shall have the following meanings: "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

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

"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.

"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.

training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law **§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

"Employment" means any occupation, vocation or

employment, or any form of vocational or educational

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

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

hours on school days

3 hours on other days.

preceding school days:

hours on days

Monday, Tuesday,

hours on: Friday,

Holidays.4

Wednesday, Thursday

Saturday, Sunday and

8 hours

8 hours4

8 hours4

4 hours

hours on school days

hours on other days.

hours on school days

Additional Child Labor Law Information

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.

GARDEN CITY DISTRICT

GARDEN CITY, NY 11530

WHITE PLAINS DISTRICT

120 BLOOMINGDALE ROAD

WHITE PLAINS, NY 10605

400 OAK STREET

(516) 794-8195

(914) 997-9521

SUITE 101

Weekly

18¹

offenses, or by reason of a finding of lack of "good moral character"

14 and 15

16 and 17

14 and 15

16 and 17

16 and 17

12 and 13

14 to 18

14 to 18

¹Students 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.

²Students 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

All occupations except

farm work, newspaper

arrier and street trades

All occupations except

farm work, newspaper

carrier and street trades

All occupations except

farm work, newspaper

carrier and street trades

All occupations except

farm work, newspaper

All occupations except

farm work, newspaper

carrier and street trades

Hand harvest of berries,

fruits and vegetables.

Any farm work

Delivers, or sells and

delivers newspapers

shopping papers or

usiness places.

Self-employed work

in public places selling

newspapers or work as a

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

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

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

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

BUFFALO DISTRICT

290 Maine Street

BUFFALO, NY 14202

Syracuse District

SYRACUSE, NY 13202

(315) 428-4057

333 East Washington Street

(716) 847-7141

Room 226

Room 121

eriodicals to homes or

carrier and street trades

Age of Minor

Girls and Boys

Attending School,

When school is in

ttendina School

When School is

not in session

(vacation):

Not Attending

Farm Work:

Carriers:

Street Trades:

with the Program.

ALBANY DISTRICT

STATE OFFICE CAMPUS

ALBANY, NY 12240

(518) 457-2730

276 WARING ROAD

ROCHESTER, NY 14609

(585) 258-4550

ROCHESTER

SUB-DISTRICT

ROOM 104

BLDG. 12 ROOM 185A

Penalties for Child Labor Laws violations

First violation: maximum \$1,000*

Second violation: maximum \$2,000*

Third or more violations: maximum \$3,000*

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

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:

ARTICLE 23-A

CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

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 one or more criminal offenses prohibited. 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: 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 person was previously convicted will have 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 bearing, if any, the criminal offense or offenses for which

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.

(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 **§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

Days Per

Week

Permitted Hours

7 AM to 7 PM

6 AM to 10 PM³

7 AM to 9 PM June 2

to Labor Day

6 AM to Midnight⁴

6 AM to Midnight⁴

June 21 to Labor Day

7 AM to 7 PM.

Day after Labor Day to

June 20, 9 AM to 4 PM.

5 AM to 7 PM or 30

minutes prior to

sunset, whichever

6 AM to 7 PM

NEW YORK CITY DISTRIC

New York, NY 10013

REV. 09/2020

JAN2021

(212) 775-3880

75 VARICK STREET

7th Floor

³6 AM to 10 PM or until midnight with written parental and educational

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

preceding a non- school day with written parental consent.

authorities consent on day preceding a school day and until midnight on day

FED

injury or illness.

LEAVE ENTITLEMENTS

leave in a 12-month period for the following reasons:

perform the employee's job;

employer's normal paid leave policies.

proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

leave. The employee must:

FED

BENEFITS & PROTECTIONS

employees were not on leave.

employee's spouse, child, or parent.

The birth of a child or placement of a child for adoption or foster care;

To bond with a child (leave must be taken within 1 year of the child's birth or placement);

To care for the employee's spouse, child, or parent who has a qualifying serious health condition;

For the employee's own qualifying serious health condition that makes the employee unable to

For qualifying exigencies related to the foreign deployment of a military member who is the

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 leave in a single 12-month period to care for the servicemember with a serious

An employee does not need to use leave in one block. When it is medically necessary or otherwise

If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the

While employees are on FMLA leave, employers must continue health insurance coverage as if the

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using

or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA

DEPARTMENT OF LABOR

permitted, employees may take leave intermittently or on a reduced schedule

it with equivalent pay, benefits, and other employment terms and conditions.

Have worked for the employer for at least 12 months;

Private Employers, State and Local

Governments, Educational Institutions,

Applicants to and employees of most private employers, state and

local governments, educational institutions, employment agencies

and labor organizations are protected under Federal law from

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects

and other aspects of employment, on the basis of race, color,

discharge, pay, fringe benefits, job training, classification, referral,

religion, sex (including pregnancy), or national origin. Religious

discrimination includes failing to reasonably accommodate an

Title I and Title V of the Americans with Disabilities Act of 1990,

as amended, protect qualified individuals from discrimination on

the basis of disability in hiring, promotion, discharge, pay, fringe

benefits, job training, classification, referral, and other aspects

of employment. Disability discrimination includes not making

reasonable accommodation to the known physical or mental

The Age Discrimination in Employment Act of 1967, as amended,

protects applicants and employees 40 years of age or older from

discrimination based on age in hiring, promotion, discharge, pay,

In addition to sex discrimination prohibited by Title VII of the Civil

Rights Act, as amended, the Equal Pay Act of 1963, as amended,

prohibits sex discrimination in the payment of wages to women and

men performing substantially equal work, in jobs that require equal

skill, effort, and responsibility, under similar working conditions, in

Title II of the Genetic Information Nondiscrimination Act of 2008

protects applicants and employees from discrimination based on

genetic information in hiring, promotion, discharge, pay, fringe

benefits, job training, classification, referral, and other aspects of

employment. GINA also restricts employers' acquisition of genetic

information and strictly limits disclosure of genetic information.

Genetic information includes information about genetic tests of

applicants, employees, or their family members; the manifestation

is an applicant or employee, barring undue hardship.

limitations of an otherwise qualified individual with a disability who

employee's religious practices where the accommodation does not

discrimination on the following bases:

impose undue hardship.

DISABILITY

of employment.

SEX (WAGES)

the same establishment.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

The United States Department of Labor Wage and Hour Division

Have at least 1,250 hours of service in the 12 months before taking leave;* and Work at a location where the employer has at least 50 employees within 75 miles of the

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE 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 employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical

treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which

FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the 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 responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave

will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:

1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd



U.S. Department of Labor • Wage and Hour Division • WH1420

Equal Employment Opportunity is THE LAW

All of these Federal laws prohibit covered entities from retaliating

against a person who files a charge of discrimination, participates

and requests for or receipt of genetic services by applicants, employees, or their family members. RETALIATION **Employment Agencies and Labor Organizations**

in a discrimination proceeding, or otherwise opposes an unlawful employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There are strict time limits for filing charges of employment applicants and employees from discrimination in hiring, promotion,

> you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about

rimination. To preserve the ability of EEOC to act on you

behalf and to protect your right to file a private lawsuit, should

charge filing, is available at www.eeoc.gov. **Employers Holding Federal Contracts or** Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on

the basis of race, color, religion, sex or national origin, and requires

fringe benefits, job training, classification, referral, and other aspects affirmative action to ensure equality of opportunity in all aspects of INDIVIDUALS WITH DISABILITIES

qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. 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. 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,

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED,

AND ARMED FORCES SERVICE MEDAL VETERANS

including the executive level.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 as amended, 38 U.S.C. 4212, prohibits job discrimination and of diseases or disorders in family members (family medical history); EEOC-P/E-1 requires affirmative action to employ and advance in employment

disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

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Retaliation is prohibited against a person who files a complaint of

RETALIATION

discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above 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) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most

Programs or Activities Receiving Federal Financial Assistance

telephone directories under U.S. Government, Department of Labor.

RACE, COLOR, NATIONAL ORIGIN, SEX

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 programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or

activities which receive Federal financial assistance. INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination 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

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

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

IT DOES NOT FULFILL THE HERO ACT POSTING REQUIREMENT.

this state's Workers' Compensation posting or notice of compliance/certificate of insurance. Employee's 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.

NOTICE: Employers must contact their local unemployment office or the state agency responsible for unemployment compensation to receive the official Unemployment Insurance posting. Employees 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 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

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-j, Leave of absence for blood donation granted to employees Labor Law §206-c, Right of nursing mothers to express breast milk he 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.



Job Safety and Health

- A safe workplace. Raise a safety or health concern with
- Receive information and training on job hazards, including all hazardous substances
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact

retaliated against for using your rights.

See any OSHA citations issued to your

 Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

Contact OSHA. We can help.

IT'S THE LAW!

- your employer or OSHA, or report a workrelated injury or illness, without being
- in your workplace.
- OSHA on your behalf.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been
- This poster is available free from OSHA.

Provide employees a workplace free from recognized hazards. It is illegal to retaliate

Employers must:

- against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness. Comply with all applicable OSHA standards.
- inpatient hospitalization, amputation, or loss of an eye.

Notify OSHA within 8 hours of a workplace

fatality or within 24 hours of any work-related

language and vocabulary they can understand. Prominently display this poster in the workplace.

Provide required training to all workers in a

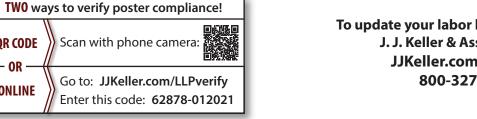
 Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to

small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



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



JJKeller.com/laborlaw 800-327-6868

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

Section 503 of the Rehabilitation Act of 1973, as amended, protects

should immediately contact the Federal agency providing such

REV. 11/2009

eparately. Model plans are available from the state Department of Labor. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

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



All workers have the right to:

- retaliated against.
- participate) in an OSHA inspection and speak in private to the inspector.

Participate (or have your representative

QR CODE

ONLINE

To update your labor law posters contact J. J. Keller & Associates, Inc.

62878

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