New York & Federal Employment Notices

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U.S. Department of Labor

OSHA® Occupational Safety and Health Administration

Job Safety and Health IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- 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 OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate 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.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- 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.

Contact OSHA. We can help.

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

Family Medical Leave Act

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT
THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS: Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:
• 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 perform the employee's job;
• For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.
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 injury or illness.
An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.
Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.
BENEFITS & PROTECTIONS: While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.
Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.
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 proceeding under or related to the FMLA.
ELIGIBILITY REQUIREMENTS: An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:
• Have worked for the employer for at least 12 months;
• 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 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 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.
ENFORCEMENT: 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: 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

Updated 8/16

IRS Withholding

YOU MAY NEED TO CHECK YOUR WITHHOLDING
Since you last filed Form W-4 with your employer did you...
Marry or divorce? Gain or lose a dependent? Change your name?
Were there major changes to...
Your nonwage income (interest, dividend, capital gains, etc.)? Your family wage income (you or your spouse started or ended a job)? Your itemized deductions? Your tax credits?

If you can answer "yes"...
To any of these or you owed extra tax when you filed your last return, you may need to file a new Form W-4. See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at **www.irs.gov/individuals** on the IRS website.

Employer: Please poster or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

Updated 1/17

USERRA

• FOR USE BY PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS •
YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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 Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS
You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
• you ensure that your employer receives advance written or verbal notice of your service; • 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 after conclusion of service; and • 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 benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION
If you: • are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment because of this status.

HEALTH INSURANCE PROTECTION
• If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT
• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. • 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 https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra • 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. • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

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: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and 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

Updated 6/22

Polygraph Protection

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.
EXEMPTIONS
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 workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.
The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.
EXAMINEE RIGHTS
Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.
ENFORCEMENT
The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.
1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

Updated 8/16

State OSHA

New York State Department of Labor, Labor Law Information Relating to Public Employees.
Job Safety and Health Protection. The New York State Public Employee Safety and Health Act of 1980 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:
Employers: The Act requires that employers furnish employees a workplace free from recognized hazards and in compliance with the safety and health standards applicable to the employer's workplaces and other regulations issued by the Commissioner of Labor under the Act.
Employees: The Act requires that employees comply with all safety and health standards and other regulations issued under the Act that apply to their actions and conduct on the job.
Enforcement: The New York State Department of Labor's Division of Safety and Health (DOSH) is responsible for administering and enforcing the Act. The Commissioner issues safety and health standards, and Safety and Health Inspectors and Hygienists conduct on-site inspections to ensure compliance with the Act.
Inspection: The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the DOSH Inspector or Hygienist for the purpose of aiding the inspection. Where there is no authorized employee representative, the DOSH Inspector or Hygienist must consult with a reasonable number of employees concerning safety and health conditions in the workplace.
Order To Comply: If the DOSH Inspector or Hygienist believes an employer has violated the Act, an order to comply will be issued to the employer. Each order will specify a time period within which the violation must be corrected. If the violation remains uncorrected, the employer may be subject to monetary penalties. The DOSH order to comply must be prominently displayed at or near the place of violation to warn employees of dangers that may exist.
Complaint: Employees or their representatives have the right to file a complaint, in writing, with the nearest DOSH office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. DOSH will withhold, on request, names of employees complaining. Any interested person or representative of such person or groups of persons may bring to the attention of the State Department of Labor a complaint regarding the administration or enforcement of the Public Employees Safety and Health Program. The State Department of Labor will investigate each complaint and will notify the complainant in writing of the results of such investigation as well as further channels for complaint. Such complaints may also be made to the United States Department of Labor, Occupational Safety and Health Administration, 201 Varick Street, New York, New York 10014.
Discrimination: The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. Employees who believe that they have been discriminated against may file a complaint with the nearest DOSH office within 30 days of the alleged discrimination.
Voluntary Activity: The Department of Labor encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces. Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury or illness to employees and supervisors. On a voluntary basis, employers may request that the DOSH office furnish consultant services to assist the employer in meeting job-site compliance with safety and health standards.

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

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

Whistleblower Protections

Notice of Employee Rights, Protections, and Obligations
Under Labor Law Section 740
Prohibited Retaliatory Personnel Action by Employers
Effective January 26, 2022
§ 740. Retaliatory action by employers; prohibition.
1. Definitions. For purposes of this section, unless the context specifically indicates otherwise:
(a) "Employer" means an individual who performs services for and under the control and direction of an employer for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers.
(b) "Employer" means any person, firm, partnership, institution, corporation, or association that employs one or more employees.
(c) "Law, rule or regulation" includes: (i) any duly enacted federal, state or local statute or ordinance or executive order; (ii) any rule or regulation promulgated pursuant to such statute or ordinance or executive order; or (iii) any judicial or administrative decision, ruling or order.
(d) "Public body" includes the following:
(i) the United States Congress, any state legislature, or any elected local governmental body, or any member or employee thereof;
(ii) any federal, state, or local court, or any member or employee thereof, or any grand or petit jury;
(iii) any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof;
(iv) any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer;
(v) any federal, state or local department of an executive branch of government; or
(vi) any division, board, bureau, office, committee, or commission of any of the public bodies described in subparagraphs (i) through (v) of this paragraph.
(e) "Retaliatory action" means an adverse action taken by an employer or his or her agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his or her rights under this section, including (i) adverse employment actions or threats to take such adverse employment actions, or front pay in lieu thereof, including but not limited to discharge, suspension, or demotion; (ii) actions or threats to take such actions that would adversely impact a former employee's current or future employment; or (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency.
(f) "Supervisor" means any individual within an employer's organization who has the authority to hire, direct, supervise, or control the work performance of the affected employee, or who has authority to make recommendations that are given particular weight to take corrective action regarding the violation of the law, rule or regulation of which the employee complains.
7. Prohibitions. An employer shall not take any retaliatory action against an employee, whether or not within the scope of the employee's job duties, because such employee does any of the following:
(a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety;
(b) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by such employer; or
(c) objects to, or refuses to participate in any such activity, policy or practice.
3. Application. The protection against retaliatory action provided by paragraph (a) of subdivision two of this section pertaining to disclosure to a public body shall not apply to an employee who makes such disclosure to a public body unless the employee has made a good faith effort to notify his or her employer by bringing the activity, policy or practice to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice. Such employer notification shall not be required where:
(a) there is an imminent and serious danger to the public health or safety;
(b) the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice;
(c) such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor;
(d) the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or
(e) the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.
4. Violation; remedy:
(a) An employee who has been the subject of a retaliatory action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in subdivision five of this section within two years after the alleged retaliatory action was taken.
(b) Any action authorized by this section may be brought in the county in which the alleged retaliatory action occurred, in the county in which the complainant resides, or in the county in which the employer has its principal place of business. In any such action, the parties shall be entitled to a jury trial.
(c) It shall be a defense to any action brought pursuant to this section that the retaliatory action was predicated upon grounds other than the employee's exercise of any rights protected by this section.
5. Relief. In any action brought pursuant to subdivision four of this section, the court may order relief as follows:
(a) an injunction to restrain continued violation of this section;
(b) the reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position;
(c) the reinstatement of full fringe benefits and seniority rights;
(d) the compensation for lost wages, benefits and other remuneration;
(e) the payment by the employer of reasonable costs, disbursements, and attorney's fees;
(f) a civil penalty of an amount not to exceed ten thousand dollars; and
(g) the payment by the employer of punitive damages, if the violation was willful, malicious or wanton.
6. Employer relief. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disbursements be awarded to an employer if the court determines that an action brought by an employee under this section was without basis in law or in fact.
7. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement or employment contract.
8. Publication. Every employer shall inform employees of their protections, rights and obligations under this section, by posting a notice thereof. Such notices shall be posted conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment.

Right To Express Breast Milk

New York State Department of Labor, Division of Labor Standards
Guidelines Regarding the Rights of Nursing Mother to Express Breast Milk in the Work Place

Section 206-c of the New York State Labor Law provides as follows: Right of Nursing Mothers to Express Breast Milk. An employer shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the employee's work station, for the employee to express breast milk in private. An employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace. This law is applicable to all public and private employers in New York State, regardless of the size or nature of their business. In administering this statute, the Department applies the following interpretations and guidelines:

I. Notice A. Employers shall provide written notification of the provisions of Labor Law §206-c to employees who are expecting a baby, following the birth of a baby, and then at the time she returns to work from maternity leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location. B. An employee wishing to avail herself of this benefit is required to give her employer advance notice. Such notice shall preferably be provided to the employer prior to the employee's return to work following the birth of the child in order to allow the employer an opportunity to establish a location and schedule leave time amongst multiple employees if needed.

II. Reasonable Unpaid Break Time A. Reasonable unpaid break time is sufficient time to allow the employee to express breast milk. Each break shall generally be no less than twenty minutes. If the room or other location is not in close proximity to the employee's work station (e.g. as in a shared work location with a common lactation room) each break shall generally be no less than thirty minutes. Employees can elect to take shorter unpaid breaks for this purpose. B. The number of unpaid breaks an employee will need to take for expression purposes varies depending on the amount of time the employee is separated from the nursing infant and the mother's physical needs. In most circumstances, employees should provide sufficient breaks at least once every three hours if requested by the employee. C. Upon election of the employee, unpaid break time may run concurrently with regularly scheduled paid break or meal periods. D. Upon election of the employee, an employer shall allow the employee to work extra hours to offset her normal shift in order to make up the time she spends expressing breast milk (time(s) for the expression of breast milk so long as such additional time requested falls within the employer's normal work hours. E. This benefit is available to the employee during their basic work week and any overtime or additional hours worked. F. An employee may be required to postpone scheduled unpaid break time for no more than thirty minutes if she cannot be spared from her duties until appropriate coverage arrives.

III. Reasonable Efforts and Privacy A. All employers are required to make reasonable efforts to provide a private room or other location for the purpose of expression of breast milk. "Reasonable effort" requires that the room or other location must be provided for use of employees expressing breast milk so long as it is neither significantly impracticable, inconvenient, or expensive to the employer to do so. Relevant factors in determining significant impracticality, inconvenience, or expense include but are not limited to: 1. The nature of work performed at the business; 2. The overall size and physical layout of the business; 3. The type of facility where the business is housed; 4. The size and composition of the employer's workforce; 5. The business' general hours of operation and the employees' normal work shifts; 6. The relative cost of providing a room or other space for the de "Private" shall mean that the room or other location shall not be open to other individuals frequenting the business, whether as employees, customers, or other members of the public. To insure privacy, the room or location should have a door equipped with a functional lock. If a door with a functional lock is not available (in the case of a fully enclosed cubicle) as a last resort an employer must utilize a sign advising the room or location is in use and not accessible to other employees or the public.

IV. Close Proximity A. Any room or location provided for the expression of breast milk must be in close proximity to the work area of the employee(s) using it for the expression of breast milk. B. Close proximity means the room or location must be in close proximity to the place where the employee shall deliver the breast milk to the location and appropriately implement break time. C. Should an employer have more than one employee at a time needing access to a lactation room or other location, the employer may dedicate a centralized location for use by all such employees, provided however, that the employer shall make every effort to locate such space at a reasonable distance from the employees using it. D. Employers located in shared work areas such as office buildings, malls, and similar premises may cooperate with one another to establish and maintain a dedicated lactation room, provided however, that such rooms must be located at a reasonable distance from the employees using the room. Each employer utilizing such common dedicated lactation room will retain individual responsibility for ensuring that it meets all the requirements of these guidelines with regard to their employees. Use of a common dedicated lactation room pursuant to this paragraph will not reduce, mitigate, or otherwise affect the employer's obligations under these guidelines.

V. Non-Discrimination No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace. Encouraging or allowing a work environment that is hostile to the right of nursing mothers to take leave for the purpose of expressing breast milk could constitute discrimination within the meaning of this section of the guidelines.

VI. Suggested Employer Activities A. In addition to the activities set forth in the guidelines above, an employer may consider implementing one or more of the following activities in connection with the needs of employees who are breast feeding children: 1. Providing educational information in the lactation room or area regarding the benefits of breastfeeding and tips on expressing and storing breast milk including posters, newsletters, books, and referral information to health education programs about breastfeeding. 2. Allowing flexible work hours, job sharing, and/or part-time scheduling to accommodate employees with children of nursing age. 3. Providing an easily accessible sink to wash tubing used for pumping breast milk. 4. Allowing mothers of nursing children attending on-site day care to make a portion of their breaks to breast feed in lieu of pumping. 5. Providing a refrigerator or other appropriate cooling equipment to store breastfeeding mothers could contact for assistance. 6. Including protection for pregnant and breastfeeding mothers in the company's sexual harassment policy. 7. Designation of a breastfeeding coordinator to allow consistent and coordinated implementation of this benefit in the workplace. B. Not all questions can be anticipated; therefore these guidelines may not cover all situations that may arise. For additional assistance or information please contact the Division of Labor Standards office nearest you.

Albany District, State Office Campus Bldg. 12, Room 185A Albany, NY 12240 (518) 457-2730. **Binghamton District,** Sub-District 44 Hawley St. Room 909 Binghamton, NY 13901 (607) 721-8014. **New York City District,** 75 Varick Street, 7th Floor New York, NY 10013 (212)775-3880. **Garden City,** 400 Oak Street Suite 101 Garden City, NY 11530-6551 (516) 794-8195. **Buffalo District,** 65 Court Street Room 202 Buffalo, NY 14202 (716) 847-7141. **Rochester,** Sub-District 109 S. Union Street Room 318 Rochester, NY 14607 (585) 258-4550. **Syracuse District,** 333 East Washington Street Room 121 Syracuse, NY 13202 (315) 428-4057. **White Plains District,** 120 Bloomingdale Road White Plains, NY 10605 (914) 997-9521. **http://www.labor.state.ny.us**

Discrimination

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

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

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

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

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

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

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

RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE, INCLUDING ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE
Also prohibited: discrimination on the basis of lawful source of income (for example housing vouchers, disability benefits, child support); familial status (families with children or being pregnant); prior arrest or sealed conviction; commercial boycotts or blockbusting

Reasonable accommodations and modifications for persons with disabilities may also be required.
Does not apply to:
(1) rental of an apartment in an owner-occupied two-family house
(2) restrictions of all rooms in a housing accommodation to individuals of the same sex
(3) rental of a room by the occupant of a house or apartment
(4) sale, rental, or lease of accommodations of housing exclusively to persons 55 years of age or older, and the spouse of such persons

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

PLACES OF PUBLIC ACCOMMODATION SUCH AS RESTAURANTS, HOTELS, HOSPITALS AND MEDICAL OFFICES, CLUBS, PARKS AND GOVERNMENT OFFICES

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

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

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

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

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

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

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

Updated 1/20

Unemployment Insurance

The New York State Unemployment Insurance Program provides immediate, short term financial protection for people who are out of work through no fault of their own. Unemployment Insurance Reform Legislation effective April 1, 1999 brought significant changes to the program. This brochure reviews the rules under which your former employees can collect unemployment insurance benefits, and explains what you should do when a former employee files a claim for benefits. Statements in this brochure are intended for general information and do not have the effect of law or regulation. You may review the New York State Unemployment Insurance Law (Article 18 of the New York State Labor Law) at the website (**www.labor.state.ny.us**) or at your local library.

To qualify for unemployment benefits, claimants must demonstrate recent, substantial attachment to the labor market; must be out of work through no fault of their own; must be ready, willing and able to work and must be actively seeking employment. A claimant who has qualified for benefits according to the guidelines above can have the active work search requirement waived and remain eligible for benefits if the claimant is attending a training course approved by the Commissioner of Labor.

Fast Food Minimum Wage

Minimum wage for fast food workers

Date	New York City	Rest of the State
12/31/2022	$15.00	$15.00
12/31/2021	$15.00	$15.00

As of July 1, 2021, all fast food workers in New York State must make at least $15.00 per hour.

WHAT IS A FAST FOOD ESTABLISHMENT?
A fast food establishment is any business that meets the following criteria:

- Primarily serves food or drinks, including coffee shops, juice bars, donut shops, and ice cream parlors
- Offers limited service, where customers order and pay before eating, including restaurants with tables but without full table service, and places that only provide take-out service
- It is part of a chain of 30 or more locations, including the individually owned establishments associated with a brand that has 30 or more locations nationwide.

EXAMPLES
Examples of fast food establishments include Ben & Jerry's, Chipotle, Dunkin Donuts, Golden Krust Caribbean Bakery and Grill, Jamba Juice, KFC, McDonald's, Nathan's Famous, Pizza Hut, Quiznos, Shake Shack, Starbucks, Subway, Taco Bell, Tim Hortons, Uno Pizzeria & Grill, Wendy's, and White Castle.

For more information on the definition of a fast food establishment and what is considered a chain, please see the Hospitality Industry Regulations available at **https://dol.ny.gov/hospitality-industry-wage-order-cr-146.**

FREQUENTLY ASKED QUESTIONS
WHAT TYPE OF WORKERS DOES THIS MINIMUM WAGE AFFECT?
This affects everyone who works at a fast food chain location that meets the criteria described.This applies to workers who prepare food, work security, stock shelves, clean, and perform other tasks.

ARE MEAL CREDITS AND UNIFORM MAINTENANCE REIMBURSEMENT RATES DIFFERENT FOR FAST FOOD WORKERS THAN FOR OTHER HOSPITALITY INDUSTRY WORKERS?
No, these rates are the same for fast food and hospitality workers.

WHAT ABOUT THE RATE OF PAY FOR CALL-IN AND SPREAD-OF-HOURS REQUIREMENTS?
Fast food workers are subject to the call-in pay and spread-of-hours requirements at the minimum wage rate for fast food workers.

ARE FAST FOOD WORKERS ELIGIBLE FOR OVERTIME PAY?
Yes, fast food workers must be paid at time-and-one-half the regular rate of pay for any hours worked over 40 per week.

FOR MORE INFORMATION
If you need additional assistance, or want to file a complaint, please call: **1-888-4NYSDOL (1-888-469-7365)** or visit: **www.labor.ny.gov/minimumwage.**

Updated 12/22

Payday Notice

PAYDAY IS ON

❒ MONDAY ❒ TUESDAY ❒ WEDNESDAY X THURSDAY ❒ FRIDAY ❒ SATURDAY ❒ SUNDAY

PAY SCHEDULE IS

X WEEKLY ❒ BI-WEEKLY ❒ SEMI-MONTHLY ❒ MONTHLY ❒ _____

PAYCHECKS ARE ISSUED ON THE _____ AND _____ OF THE MONTH

AT: _____ TIME: _____

Fast Food Worker? See Fast Food Minimum Wage Post

State Minimum Wage

Attention Miscellaneous Industry Employees Minimum Wage hourly rates effective 12/31/2022 – 12/30/2023

New York City	
Large Employers (**11 or more** employees)	Small Employers (**10 or less** employees)
Minimum Wage $15.00 Overtime after 40 hours $22.50 **Tipped workers** **$15.00** Overtime after 40 hours $22.50	**Minimum Wage $15.00** Overtime after 40 hours $22.50 **Tipped workers** **$15.00** Overtime after 40 hours $22.50

Long Island and Westchester County	Remainder of New York State
Minimum Wage $15.00 Overtime after 40 hours $22.50 **Tipped workers** **$15.00** Overtime after 40 hours $22.50	**Minimum Wage $14.20** Overtime after 40 hours $21.30 **Tipped workers** **$14.20** Overtime after 40 hours $21.30

If you have questions, need more information or want to file a complaint, please visit www.labor.ny.gov/minimumwage or call: **1-888-469-7365.**

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

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

• **Meals and lodging** – Your employer may claim a limited amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are set forth in wage orders and summaries, which are available online.

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

• **Overtime** – You must be paid 1½ times your regular rate of pay (no less than amounts shown above) for weekly hours over 40 (or 44 for residential employees).
Exceptions: Overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.

• **Call-In pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
• **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
• **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

LS 207 (11/22) Minimum Wage Poster Post in Plain View

Updated 1/23

Blood Donation Leave

New York State Department of Labor, Division of Labor Standards. Guidelines for Implementation of Employee Blood Donation Leave.
Section 202-j of the Labor Law mandates that employers provide leave time to employees for the purpose of donating blood. As the entity responsible for the administration of this provision of law, the Department of Labor hereby establishes the following guidelines governing such leave:
I. Definitions: As used in these guidelines, the following terms shall have the following meaning: a. "Apheresis" is the collection of individual components of blood, such as platelets, plasma, or double red blood cells. b. "Employee" means employee as defined in Labor Law § 202-j (1)(a). c. "Employer" means employer as defined in Labor Law § 202-j (1) (b). d. "Employee's place of employment" means the physical location at which the employee works. Such location may be in a different building on the same location