



Resources

Unemployment Insurance

If you lose your job through no fault of your own, you may qualify for unemployment-insurance benefits. Contact the **Unemployment Insurance Program** for more information.

(888) 209-8124
dol.ny.gov/unemployment/unemployment-insurance-assistance

Unions and Working Conditions

You have the right to join a union and the right to act together with coworkers to try to improve pay or working conditions, with or without a union. For more information, contact the **National Labor Relations Board**.

(844) 762-6572
nlr.gov

Compensation for Injury

If you are injured on the job or become ill because of your work, you may be able to recover lost wages and medical expenses from the **New York State Workers' Compensation Board**.

(877) 632-4996
wcb.ny.gov

Resources

Worker Protections

The Office of the New York State Attorney General (OAG) protects your rights as a worker including wages, benefits and leave, and discrimination. We will not ask you about your immigration status. Contact our **Labor Bureau** about repeated violations of labor law.

(212) 416-8700 | (800) 651-7820 (TDD)
labor.bureau@ag.ny.gov

Wages: ag.ny.gov/wage-faq

Benefits & Leave: ag.ny.gov/benefits-leave

Discrimination: ag.ny.gov/discrimination

The **New York State Department of Labor (DOL)** protects your rights in the workplace, including wages, hours, job training, and job searches.

(888) 469-7365
labor.sm.ls.ask@labor.ny.gov | dol.ny.gov

The **New York State Division on Human Rights** takes complaints and provides information about discrimination or harassment.

(888) 392-3644 | (718) 741-8300 (TDD/TTY)
complaints@dhr.ny.gov | dhr.ny.gov

Safe Working Conditions

For information or to file a complaint about workplace health and safety, contact the **OAG's Labor Bureau**, the **New York State Department of Labor**, or the **Occupational Safety and Health Administration (OSHA)**.

(800) 321-6742 (TTY)
osha.gov

On the Job

Employees' Rights in the Workplace



Office of the New York State Attorney General

Letitia James



Minimum Wage as of December 31, 2021:

Region	Basic Minimum Hourly Wage	Fast Food and Hospitality Industry
New York City	\$15	\$15
Long Island & Westchester	\$15	\$15
Remainder of New York State	\$13.20	\$15

While the minimum wage for most workers outside of New York City is currently \$13.20 per hour, it will increase annually until it reaches \$15 per hour. If you work in the building-services industry or are a farmworker, check the **Department of Labor’s Wage Orders** for industry-specific requirements.

Tipped Employees

Workers who regularly receive money in tips may be paid a lower hourly rate. At a New York City hotel with more than 10 employees, for example, food-service workers may be paid \$10 per hour if they earn at least \$5 per hour in tips. This is called the “tip allowance.” The allowance varies by the industry, the region of the state, and the number of employees at your workplace, so contact the **Department of Labor** to find out if you are being paid correctly. No tip allowance/credit is permitted for fast-food employees. Managers and owners may not take a share of tips.

Overtime

Most workers have the right to be paid overtime. Overtime is calculated on a weekly basis: If you work more than 40 hours in a given week, you must be paid at 1 ½ times your regular rate for each overtime hour. For example, if your regular rate is \$15 per hour, you should be paid \$22.50 per hour for each overtime hour. If you are paid a daily or weekly rate, instead of an hourly rate, you should still receive overtime pay.

Prevailing Wage

If you work in the construction of a public building or project, like a school or a police station, you should be paid a rate called the prevailing wage, which is higher than the minimum wage. The prevailing wage depends on the type of work you do.

Regular Paydays

Your employer must pay you regularly and on time. Manual workers should get a paycheck each week and clerical workers must be paid at least twice a month.

Payroll Deduction

Your employer must have your written permission to make deductions from your paycheck, and inform you in writing of any deductions. Your employer may not make deductions for cash shortages, stolen or damaged property, or unsatisfactory work.

Paid Family Leave

Most New York workers are eligible for paid family-leave benefits, depending on how many regularly scheduled hours they work per week. If you qualify, you can take up to 12 weeks off for parental leave or to care for children or close relatives while earning a percentage of your weekly pay. Qualification depends on how many regularly scheduled hours you work per week. You do not have to use your sick or vacation days before you use paid family-leave benefits. For more information, contact **Paid Family Leave** toll free at (844) 337-6303 or visit ny.gov/paidfamilyleave.

Breaks

If you work more than six hours, you should get a half-hour meal break away from your work station. Your employer does not have to pay you for this time. However, your employer must pay you for any breaks shorter than 20 minutes.

Required Record Keeping

Your employer must keep detailed records of the hours you worked, the wages you were paid, and any deductions taken from your wages. It is a good idea to keep track of your hours and overtime for your own reference.

Sick and Safe-Time Leave

Most New Yorkers are eligible for sick and safe benefits. These are paid or unpaid hours, depending on how many employees your employer has. You can take up to 56 hours of paid sick leave per year to take care of yourself or a family member due to illness or injury. You can use this time for yourself or a family member who is a victim of domestic violence, a sexual offense, or stalking. For more information visit ny.gov/programs/new-york-paid-sick-leave.

Discrimination and Harassment

It is illegal to discriminate against or harass employees based on age, race, religion, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, familial status, predisposing genetic characteristics, marital status, arrest or conviction record, sincerely held religious belief, marital status, or status as a victim of domestic violence. To file a complaint or receive more information, contact the **New York State Division of Human Rights** at (888) 392-3644 or dhr.ny.gov or the **Attorney General’s Civil Rights Bureau** at (212) 416-8250.

Misclassification and Payroll Fraud

Your employer cannot avoid labor laws by paying you off the books or treating you as an independent contractor when you are really an employee. Visit dol.ny.gov/independent-contractors for details.

Retaliation

If you believe your rights are being violated, you have the right to complain to your employer or to a government agency, such as the **Office of the Attorney General**. It is illegal for employers to punish you in any way for making complaints of this nature. Unlawful retaliation may include termination, discipline, work-schedule changes, or threatening to report you to immigration authorities.

Immigration Status

Labor laws protect all workers. Employers must pay you for all hours worked, regardless of immigration status. This applies even if an employer knew or later learned that you do not have legal authorization to work. The **Labor Bureau** does not ask about immigration status and has recovered wages for workers regardless of status.