

# New York State Attorney General Letitia James

Dear New Yorkers,

No matter your workplace or the length of your shift or your immigration status, New York State protects the rights of all workers. Everyone is entitled to basic protections and lawful wages for the hours they work.



As Attorney General, I want you to know your rights as an employee under state law, and where you can find help if those rights are being violated. My office investigates complaints of persistent labor law violations and can bring lawsuits against the employers involved.

New York's workforce is the engine of a strong economy, and it is important that workers be treated fairly and paid what they are owed. If you think your rights have been violated or have questions about workplace practices, please contact my office's Labor Bureau.

Sincerely,



Letitia James

NEW YORK STATE OFFICE OF THE  
ATTORNEY GENERAL

Labor Bureau  
212-416-8700

Labor.bureau@ag.ny.gov  
For General Information:

www.ag.ny.gov  
Consumer Hotline: 800-771-7755

## RIGHTS & RESOURCES

### Right to Worker Protections

The New York State Office of the Attorney General protects the rights of workers in New York State and does not inquire about an individual's immigration status. **Contact the Labor Bureau** to file a complaint about repeated violations of labor laws.

212-416-8700 | TDD 800-651-7820

Email: [labor.bureau@ag.ny.gov](mailto:labor.bureau@ag.ny.gov) | [www.ag.ny.gov/bureaus/labor](http://www.ag.ny.gov/bureaus/labor)

You may also contact the **New York State Labor Department** to file a complaint or for information about your rights in the workplace, including wages, hours, job training and searches.

[www.labor.ny.gov](http://www.labor.ny.gov)

888-469-7365 | (TTY) 800-662-1220

If you are laid off or let go from your job through no fault of your own, you may qualify for unemployment insurance benefits while you seek a new job. Contact the **Unemployment Insurance Program**.

888-209-8124 | [www.labor.ny.gov/unemploymentassistance.shtm](http://www.labor.ny.gov/unemploymentassistance.shtm)

### Right to Join a Union

The federal National Labor Relations Act gives employees 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**.

866-667-NLRB | [www.nlrb.gov](http://www.nlrb.gov)

### Right to 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 | [www.wcb.ny.gov](http://www.wcb.ny.gov)

### Right to Safe Working Conditions

For information or to file a complaint on workplace health and safety issues, contact the **Occupational Safety and Health Administration**.

800-321-OSHA (6742) | TTY 877-889-5627 | [www.osha.gov](http://www.osha.gov)

# ON THE JOB



## EMPLOYEES' RIGHTS IN THE WORKPLACE



New York State  
Attorney General  
Letitia James

Labor Bureau

212-416-8700 | [labor.bureau@ag.ny.gov](mailto:labor.bureau@ag.ny.gov)

## Minimum Wage:

New York's minimum wage varies by region and employer size, as shown in the below chart:

General Minimum Wage Schedule		
Location	12/31/17	12/31/18
NYC - Large Employers (of 11 or more)	\$13.00	\$15.00
NYC - Small Employers (of 10 or less)	\$12.00	\$13.50
Long Island & Westchester	\$11.00	\$12.00
Remainder of NY State	\$10.40	\$11.10

These rates will continue to increase each year until the statewide minimum wage is \$15.00. The minimum wage for some workers, such as fast food or janitorial workers, may differ, so contact the New York State Department of Labor at **1-800-662-8124** or **www.labor.ny.gov** to find out if you are being paid correctly. Unless you regularly receive tips as part of your job, employers may not pay less than the minimum wage.

## “Tipped” Employees:

Workers who regularly receive money in tips may be paid at a lower hourly rate. For example, in a New York City hotel with more than ten employees, hospitality workers may be paid \$8.65 per hour if they earn at least \$4.35 per hour in tips. This is called the “tip allowance.” The amount of 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. 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: you should be paid at 1 ½ times your regular hourly rate for each hour worked past forty in a given week. 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 worked in the construction of a public building or project, like a school or a police station, you are entitled to be paid a rate called the prevailing wage, which is higher than the minimum wage. The exact amount of the prevailing wage owed depends on the type of work you did.

## 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 Deductions:

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

## Paid Family Leave:

Most New York workers are eligible for paid family leave benefits. You can take up to eight weeks off for parental leave or to care for certain relatives while earning a percentage of your weekly wage. Workers qualify depending on how many regularly scheduled hours you work per week. You do not need to use your sick days or vacation days before you use your paid family leave benefits. These benefits will increase on January 1, 2019. For more information, please call the Paid Family Leave toll-free helpline at **1-844-337-6303** or visit <https://www.ny.gov/paidfamilyleave>.

## Breaks:

If you work more than 6 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. Your employer must pay you for any breaks of less than 20 minutes.

## Required Record Keeping:

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

## Protection from Discrimination:

It is illegal to discriminate against employees based on age, race, religion, color, national origin, sexual orientation, military status, sex, disability, familial status, predisposing genetic characteristics, or marital status. Contact the New York State Division of Human Rights at **1-888-392-3644** or **www.dhr.ny.gov** or the Attorney General's Civil Rights Bureau at **212-416-8250**.

## Misclassification and Payroll Fraud:

Your employer cannot seek to avoid complying with labor laws by paying you off the books or treating you as an independent contractor when you are, in fact, an employee. If your employer supervises, directs, or controls your work then you are probably an employee.

## Retaliation is Illegal:

You have the right to complain to your employer or to a government agency, including the Office of the Attorney General, if you believe your rights are being violated. It is illegal for employers to punish you or retaliate against you in any way for making complaints of this nature. Unlawful retaliation may include termination, discipline, changing your work schedule, or threatening to report workers to immigration authorities.

## Immigration Status:

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