

Labor Rights for New York Restaurant Employees

Minimum Wage:

As of 1/1/07, the minimum wage for most employees* is **\$7.15/hour**. If you receive tips (example: waitstaff and delivery workers), the employer can pay you a reduced minimum wage as long as your hourly tips and wage still add up to at least \$7.15/hour (see back for details).

Overtime:

For most employees, any hours worked over 40 in a week are overtime hours. Employers must pay 1½ times the regular hourly rate for overtime hours.

Ex. \$7.15 for each regular hour → \$10.73 for each overtime hour

If you work overtime, you should not receive the same flat rate (example: \$400 per week) if your hours change each week. If you work 42 hours one week and 50 the next week, your pay should reflect the difference in hours.

“Trial” or “Orientation” Shifts:

Employers cannot refuse to pay for a “trial” or “orientation” shift(s) that usually occur at the beginning of employment.

Breaks:

Most workers are entitled to one day of rest per week. Workers are also entitled to certain breaks during their shift depending on the shift hours.

Deductions:

Employers may deduct from the minimum wage for meals they provide, but limited to \$2.10 to \$2.45 for restaurant workers.

Employers may make other certain deductions from your pay, such as taxes. They can also deduct for certain benefits like health insurance premiums, but only if you agree in writing.

Employers may not deduct from your pay or take deposits things like if a customer leaves without paying or damaged property.

Retaliation:

It is illegal for an employer to fire, penalize, or discriminate against an employee who makes a wage-related complaint to the employer, the Attorney General's Office, the Department of Labor, or other appropriate government agencies.

Safety & Health:

If you have concerns about safety and/or health conditions at your workplace, you can call the Occupational Safety and Health Administration at 1-800-321-OSHA.

Workers' Compensation:

If you are injured on the job and need help with medical expenses or lost wages, contact your employer's workers' compensation insurance carrier or call the Workers' Compensation Board at (800) 877-1373.

Wage Summary for NY Restaurant Workers (as of 1/1/07)

Non-tipped workers	
Minimum wage (per hour)	\$7.15
Tipped workers	
Reduced minimum wage (per hour)	
Food service workers (example: waitstaff, busing personnel)	\$4.60 (if hourly tips are at least \$2.55)
Other workers (example: delivery workers)	\$4.85 (if hourly tips are at least \$2.30)

If you have questions about your wage and hour rights, please call:
 New York State Attorney General's Office, (212) 416-8700
 New York State Department of Labor, (212) 775-3880

* "Most employees" means non-managers and a few other categories of workers.

Note: The information on this card applies to all restaurant workers regardless of immigration status.