

**New York State Attorney General
Eric T. Schneiderman**

Dear New Yorkers,

New York State protects the rights of all workers: full-time and part-time, on construction sites, in offices, and in corner stores. Everyone is entitled to safe working conditions and lawful wages for the hours they work.



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

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

Sincerely,

A handwritten signature in black ink that reads "Eric Schneiderman". The signature is fluid and cursive.

Eric T. Schneiderman

NEW YORK STATE OFFICE OF THE
ATTORNEY GENERAL

www.ag.ny.gov

The Capitol, Albany, NY 12224

518-474-7330

RESOURCES

New York State Office of the Attorney General

To file a complaint about repeated violations of labor laws, or for more information about your rights in the workplace. The Labor Bureau does not inquire about an individual's immigration status.

www.ag.ny.gov

Consumer Hotline 800-771-7755

For the Hearing Impaired TDD 800-651-7820

Labor Bureau

212-416-8700

www.ag.ny.gov/bureaus/labor

New York State Labor Department

For information on workplace wages, hours, unemployment insurance and help with job training and searches.

www.labor.ny.gov

General Questions 888-469-7365

For the Hearing Impaired (TTY/TTD)

800-662-1220

Unemployment Insurance

888-209-8124

www.labor.ny.gov/unemploymentassistance.shtm

Workers Compensation

For information and benefits if injured on the job.

www.wcb.state.ny.us

877-632-4996

Occupational Safety and Health Administration (OSHA)

For information or to file a complaint on workplace health and safety issues

www.osha.gov

800-321-OSHA (6742)

TTY 877-889-5627



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ON THE JOB



MINIMUM WAGE

New York's minimum wage is \$8.00 per hour. It will increase to \$8.75 per hour on December 31, 2014 and to \$9.00 per hour on December 31, 2015. Unless you regularly receive tips as part of your job, employers may not pay less.

"TIPPED" EMPLOYEES

Workers who regularly receive money in tips may be paid at a lower hourly rate. For example, in restaurants and hotels, food service workers may be paid \$5 per hour if they earn more than \$3.00 per hour in tips and service employees may be paid \$5.65 per hour if they receive more than \$2.35 per hour in tips. For most other types of employers, employees must be paid at least \$6.05 per hour, so long as the employee receives at least \$1.95 per hour in tips. This is called the "tip allowance." The exact amount of this tip allowance changes with the industry, so contact the Department of Labor to find out if you are getting paid correctly.

Only workers who serve customers may have a share of tips. Managers, owners or others who do not serve the public may not take part of your tips.

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 of \$8.00. 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

There are strict rules about what deductions your employer is allowed to make from your paycheck, in-

cluding taxes as well as deductions for your benefit, such as to purchase health insurance. Your employer must get your written permission for deductions, 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.

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 \$10 per hour, you should be paid \$15 per hour for each overtime hour. If you are paid a daily or weekly rate, instead of an hourly, you should still get overtime pay.

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 too, just in case your employer's records are incomplete.

SAFE WORK ENVIRONMENT

You have the right to safe working conditions that do not put you at risk for serious injury or illness. You can call United States Occupational Safety and Health Administration (OSHA) to find out more about workplace safety or to make a complaint. Contact OSHA at 1-800-321-OSHA, or www.osha.gov.

ON THE JOB INJURIES OR ILLNESS

If you are injured on the job or if you become ill because of your work, workers' compensation covers

the resulting medical bills and lost wages. Contact the New York State Workers' Compensation Board at 1-877-632-4996 or www.wcb.state.ny.us.

UNEMPLOYMENT INSURANCE

If you are laid off or let go from your job through no fault of your own, you may be entitled to unemployment insurance benefits while you seek a new job. Call 1-888-209-8124 to see if you qualify.

RIGHT TO ORGANIZE

The federal National Labor Relations Act gives employees the right to join a union or work together to improve their wages or working conditions. Contact the National Labor Relations Board (NLRB) at 1-866-667-NLRB or www.nlrb.gov.

IMMIGRANT STATUS

Minimum wage and overtime laws protect all workers, even if you are undocumented. Employers who violate immigration law by hiring undocumented workers are not allowed to commit additional violations by underpaying those workers. The Labor Bureau does not ask about a worker's immigration status.

PROTECTIONS 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. Call the New York State Division of Human Rights at 718-741-8400 or www.dhr.state.ny.us or contact the Attorney General's Civil Rights Bureau at 1-800-771-7755.

RETALIATION IS ILLEGAL

You have the right to complain to your employer or a government agency, like the Office of the Attorney General, OSHA or the NYS Labor Department if you believe your rights are being violated or if working conditions are unsafe. It is illegal for employers to punish you or retaliate against you for making complaints of this nature.