

New York State Department of Labor



Division of Immigrant Policies and Affairs (DIPA)





DIPA

A Bridge Between Immigrant Communities and the DOL

What does DIPA do?

- **Educates** workers about their labor rights in their communities and also educates small businesses regarding the labor laws.
- **Partners with** community organizations to bridge cultural and language barriers.
- **Connects** immigrant workers with Department of Labor services.

What is the minimum wage?

**As of December 31st 2015
the minimum wage in New York is
\$9.00/hour**

\$8.75 as of December 31st, 2014

\$8.00 as of December 31st, 2013

UPON HIRE

You Must Receive a Notice of Pay Rate and Pay Day, which includes:

- Rate or rates of pay, including overtime rate of pay (if it applies)
- How you will be paid: by the hour, shift, day, week, commission, etc.
- The regular payday
- Name, address, and phone number of the Employer
- Allowances taken as part of the minimum wage (tip, meal and lodging deductions)



**Notice and Acknowledgement of Pay Rate and Payday
Under Section 195.1 of the New York State Labor Law
Notice for Hourly Rate Employees**

1. Employer Information

Name:

Doing Business As (DBA) Name(s):

FEIN (optional):

Physical Address:

Mailing Address:

Phone:

3. Employee's rate of pay:

\$ _____ per hour

4. Allowances taken:

- ☐ None
☐ Tips _____ per hour
☐ Meals _____ per meal
☐ Lodging _____
☐ Other _____

5. Regular payday: _____

6. Pay is:

- ☐ Weekly
☐ Bi-weekly
☐ Other

7. Overtime Pay Rate:

\$ _____ per hour (This must be at least 1½ times the worker's regular rate with few exceptions.)

8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated pay day on the date given below. I told my employer what my primary language is.

Check one:

- ☐ I have been given this pay notice in English because it is my primary language.
☐ My primary language is _____. I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Print Employee Name

Employee Signature

Date

Preparer's Name and Title

2. Notice given:

- ☐ At hiring
☐ On or before February 1st
☐ Before a change in pay rate(s), allowances claimed or payday

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.



With every payment of wages to an employee, the employer must provide a wage statement (pay stub) that lists:


- Gross wages
- Deductions from wages
- Net wages
- Hours worked

Under the Law in New York State:

- **OVERTIME:** You must get 1 ½ the regular hourly rate for overtime after 40 hours in a week.
- Residential employees must receive overtime after 44 hours in a work week.
- Agricultural Workers are exempt from overtime requirements

Overtime Exceptions

- Executives, administrators and professionals
- Outside salespersons
- Ministers and members of religious orders
- Government employees



MEAL PERIODS: You must get a 30 minute lunch or break time which is not paid for if you work more than a 6 hour shift in a day.

REST DAY: You must get a day of rest. It doesn't mean it has to be a Friday, Saturday or Sunday but a consecutive 24 hour period.

PAYDAY: You must be paid weekly or biweekly and receive a wage statement each payday.



The law does not require or grant benefits such as:


Vacation days

Holiday pay

Sick days

Health benefits

However, the law does require that any agreement be honored. Every employer is required to notify employees in writing or by publicly posting the employer's policy on sick leave, vacation, personal leave, holidays and hours of work.



No deductions may be made from wages, except those required by law or that are for the benefit of the worker, such as:

*Social Security
Federal/State/City taxes
Union fees*

Examples of illegal deductions:

*Breakage
Spoilage
Cash shortages
Uniform costs and maintenance*

Protection from Retaliation

It is illegal for employers to discharge, penalize, or in any manner discriminate or retaliate against an employee for:

- Making a complaint about a possible labor law violation to the employer
- Making a complaint to the Labor Department
- Cooperating with a Labor Standards Investigation

What is Retaliation?

- Discharge of the employee
- Demotion
- Cutting pay
- Reassignment to a less desirable work shift or work duties
- Harassment/Assault

Protection from Retaliation

- It is also illegal for any person to retaliate, not just your employer.
- The employer may be ordered to:
 - Reinstate the employee to the job
 - Pay fines
 - Back pay for loss of employment due to retaliation

Employment at Will

New York State is an "employment-at-will" state which means an employer has the right to dismiss an employee with or without reasonable cause unless:

- Union contract
- Company handbook
- Oral commitment

This also means an employee can resign without being required to justify the decision.

If you feel you were let go or fired due to discrimination, then you may contact the Division of Human Rights:

New York State Division of Human Rights, enforces laws prohibiting discrimination based on criteria such as:

- Race
- Religion
- Gender or sexual orientation
- Age
- Disability
- Marital status

You can contact the Division of Human Rights at

1-888-392-3644

Human Trafficking

- Human trafficking occurs when a group of people or an individual obtains or holds another person(s) in compelled service (sex or labor).
- Victims can be foreign born or U.S. citizens.
- **It exists in NY!** In factories, restaurants, agriculture, domestic employment, night clubs, etc.

NYS Anti-Human Trafficking Law (2007)

- State law was enacted making labor and sex trafficking a state crime
- Shifts focus from arresting and deporting victims to protecting them and prosecuting traffickers

U-VISA

A special type of visa for immigrant crime victims created to strengthen the ability of law enforcement agencies to detect, investigate and prosecute crimes against immigrants

You Have the Right to:

- Not be held in a job against your will.
- Keep your passport and other identification documents in your possession.
- Request help from the Department of Labor, charities, social service agencies or any other group without fear of retaliation.
- Seek justice in U.S. Courts.
- Have your wages paid and not be physically or verbally threatened by your employer.

Protect Yourself!

- Keep your passport, identification documents, and employment contract in a safe place! Make copies and keep them at a friend or relative's home.
- Keep a record of all the days you have worked, the date and amounts of any payments you have received and the date and time of any important work incidents, like threats or conflicts with your employer.
- Try to memorize your embassy's phone number, or keep it written in a safe place.



If you need help, call the National
Human Trafficking Resource
Center's **24 hour Hotline at**
1-888-373-7888

or

**the NYSDOL Division of
Immigrant Policies and Affairs
Hotline at**
1-877-466-9757



Other NYSDOL Divisions and City/State Agencies that can Help You!

Are Your Rights Being Violated?

COMPLAINT

TO: _____

WHOSE FAULT: ☐ MINE ☐ OURS
☐ YOURS ☐ OTHER:

DESIRED OUTCOME: ☐ APOLOGY ☐ LITIGATION ☐ RESTITUTION
☐ EXPLANATION ☐ PROMOTION ☐ CHANGE

COMPLAINANT: _____ ☐ ANONYMOUS

The Division of Labor Standards Enforces State Laws on:

- Minimum Wage/Overtime
- Unpaid Wages
- Wage Supplements
- Fringe Benefits
- Employment of Minors
- Days of Rest/M Meal Periods

The Bureau of Public Work

- Contractors and subcontractors must pay the prevailing rate of wage and supplements (fringe benefits) to all workers under a public work contract.
- Prevailing wage is the pay rate set by law for work on public work projects.



Exterminators

Fumigators

Fuel Oil Delivery

Guards/Watchmen

Janitor, Porter, Cleaners

Elevator Operator

Landscape Maintenance


Stationary Fireman

Trash and Refuse Removal

Window Cleaners

Injured or Not Working Due to a Workplace Accident?





Workers' Compensation: Basic Principles

Workers' Compensation insurance covers employees' :

- **Work-related accidents**
- **Work-related injuries, or**
- **Work-related illnesses**

For more information call (877) 632-4996

Unemployment Insurance

- If you have lost your job, through no fault of your own, you may be eligible to receive unemployment benefits.
- Workers must be legally authorized to work to receive UI benefits.
- In order to receive unemployment, you must be ready, willing, and able to work.

For more information call (888) 209-8124

Looking For a Job?






Division of Employment and Workforce Solutions (DEWS)

DEWS provides no cost services for workers looking for a job, and for employers looking for workers. Services include:

- Career counseling
- Job search resources
- Resume development
- Career workshops
- Computer and internet access
- Adult Basic Education/ESL (NYC only)



Please call us if you would like to schedule a presentation, or if you have any questions, at:

585-746-2409

OR

1-877-466-9757

Thank You!