

# FEDERAL WAGE AND LABOR LAW INSTITUTE

## State of New York Division of Human Rights

**THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN RIGHTS LAW (EXECUTIVE LAW, ARTICLE 15)**

**Discrimination based on AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, Sexual Orientation, Military Status, Sex, DISABILITY, OR MARITAL STATUS is prohibited by the New York State Human Rights Law in:**

**EMPLOYMENT, BY EMPLOYERS OF FOUR OR MORE PEOPLE, ORGANIZED LABOR, APPRENTICESHIPS, OCCUPATIONAL AND EXECUTIVE TRAINING**

*Also prohibited:* discrimination in employment on the basis of Sabbath observance or religious practices; prior arrest or conviction record; genetic predisposition or carrier status.

Reasonable accommodation of persons with disabilities may be required. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner.

**THE RENTAL, LEASE, OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE**

Exceptions:

- rental of an apartment in an owner-occupied two-family house;
- restriction of all rooms in a housing accommodation to individuals of the same sex;
- rental of a room by the occupant of a house or apartment;
- no restriction to sale, rental, or lease of accommodations of housing exclusively to persons 55 years of age or older, and the spouse of such person.

*Also prohibited:* discrimination in housing on the basis of familial status (e.g. families with children). *Permitted:* reasonable modifications in cases of disability.

Reasonable accommodation of persons with disabilities may also be required.

**ALL ACTIVITIES OF REAL ESTATE BROKERS AND SALESPEOPLE**

*Also prohibited:* commercial boycotts and blockbusting.

**PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT (RESTAURANTS, HOTELS, HOSPITALS, CLUBS, DENTIST OFFICES, ETC.)**

Exception: Age is not a covered classification relative to public accommodations.

**ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS.**

**EDUCATIONAL INSTITUTIONS; NON-SECTARIAN, TAX EXEMPT, PUBLIC AND PRIVATE**

**ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR PURCHASE, MAINTENANCE AND REPAIR OF HOUSING**

If you wish to file a formal complaint with the Division of Human Rights, you must do so within one year after the discrimination occurred. The Division's services are provided free of charge.

If you wish to file a complaint in State Court, you may do so within three years of the discrimination. You may file both with the Division and the State Court.

**Retaliation for filing a complaint or opposing discriminatory practices is prohibited. You may file a complaint with the Division if you have been retaliated against.**

For further information, write or call the Division's nearest office.

Administrative Office/Oficina Administrativa: One Fordham Plaza, 4<sup>th</sup> Floor, Room 507, 100361 (212) 341-6400. 300 N. Zeeb Road, Suite 3333, Albany, NY 12242. (518) 485-4000. Office of Sexual Harassment Issues/Oficina de Asesoría de Discriminación Basada en Orientación Sexual: 1400 HARRISS ST. Albany, NY 12242. (518) 485-4000. Office of AIDS Discrimination Issues/Oficina de Discriminación Basada en el SIDA: 1-800-523-AIDS

**ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK (LEY EJECUTIVA ARTÍCULO 15)**

**La discriminación basada en EDAD, RAZA, CREDO, COLOR, NACIONALIDAD, SEXO, AL ORIENTACION SEXUAL, ESTADO MILITAR, SEXO, INCAPACIDAD ESTADO CIVIL, está prohibida bajo la Ley de Derechos Humanos del Estado de Nueva York en:**

**EL EMPLEO, POR PATRONES DE CUATRO O MÁS PERSONAS, EN MOVIMIENTOS SINDICALES, EN APRENDIZAJES, CAPACITACION PROFESIONAL Y ADMINISTRATIVA**

*También se prohíbe:* la discriminación en el empleo por respetar el día de Sabán o prácticas religiosas; por personas físicas, políticas o antecedentes conductuales; por predisposición genética o condición de portador.

Se puede exigir que a las personas con incapacidades se les proporcione comodidades razonables. Una comodidad razonable es una modificación en un trabajo o en el ambiente de trabajo que permite que una persona con una incapacidad pueda desempeñar sus responsabilidades esenciales de trabajo en forma razonable.

**EL ARRENDAMIENTO, CONTRATO DE ALQUILER O VENTA DE UNA VIVIENDA, TERRENO Y OFICINAS COMERCIALES**

Excepciones:

- al arrendamiento de un apartamento en una casa de dos familias ocupada por el propietario;
- el restringir todos las habitaciones en una vivienda para alojamiento de individuos del mismo sexo;
- el ocupante de una casa o apartamento después una habitación;
- a la venta, arrendamiento o contrato de alquiler en viviendas para alojamiento exclusivo de personas de más de 55 años de edad y sus respectivos esposos o esposas.

*También está prohibido:* discriminar en lo relacionado a viviendas en base a la situación familiar (ejemplo: familias con niños). *Excepción:* Modificaciones razonables en casos de incapacidad.

*También se puede exigir que a las personas con incapacidades se les proporcione comodidades razonables.*

**TODAS LAS ACTIVIDADES DE AGENTES DE BIENES RAÍCES Y PERSONAL DE VENTAS**

*También están prohibidos:* los boicots comerciales y blockbusting; la práctica de vender o alquilar casas a una raza de los miembros en a barrio hablado exclusivamente por blancos, con el propósito de deprimir las propiedades y reputación.

**SITIOS PÚBLICOS, LUGARES DE TEMPORADA O DE DIVERSION (RESTAURANTES, HOTELS, HOSPITALES, CLUBS, CONSULTORIOS DE DENTISTAS, ETC.)**

Excepción: a la edad, lo cual no se aplica en lo relacionado a otros públicos.

**PUBLICIDAD Y SOLICITUDES RELACIONADAS AL EMPLEO, BIENES RAÍCES, SITIOS PÚBLICOS Y OPERACIONES DE CRÉDITO.**

**INSTITUCIONES DE ENSEÑANZA; NO SECTARIAS, LIBRE DE IMPUESTOS, PÚBLICAS Y PRIVADAS**

**TODAS LAS OPERACIONES DE CRÉDITO INCLUYENDO FINANCIAMIENTO DE COMPRAS, MANTENIMIENTOS Y ARREGLOS DE VIVIENDAS**

Si usted desea presentar una queja oficial con la División de Derechos Humanos, debe hacerlo dentro de un periodo de tiempo de un año a partir del momento en que ocurrió el acto discriminatorio. Las servicios que presta la División son gratuitos.

Usted puede hacer una queja con la División o en un tribunal, pero presentar su queja ante la Corte Estatal. Pero ya puede presentar su queja en ambos lugares, con la División y con la Corte Estatal.

**Está prohibido tomar represalia por presentar una queja o por oponerse a measures de prevención que son discriminatorias. Usted puede hacer una queja con la División o los tribunales, pero presentar su queja ante la Corte Estatal.**

Para más información, escriba o llame a su oficina más cercana de la División.

STATE OF NEW YORK

# STATE OF NEW YORK

**POST CONSPICUOUSLY  
STATE OF NEW YORK DEPARTMENT OF LABOR**

**ATTENTION EMPLOYEES  
(ATENCIÓN EMPLEADOS)  
MINIMUM WAGE INFORMATION  
(INFORMACIÓN SOBRE EL SALARIO MÍNIMO)**

EFFECTIVE 01/01/07  
BASIC HOURLY RATE

**\$7.15** per hour

**NYS MINIMUM WAGE INCREASE**  
Effective January 1, 2007, the New York State minimum wage will increase to \$7.15 per hour. Any increase in the federal minimum wage above the State's rate will result in an increase in the State's minimum wage.

**Overtime Rate**  
For most occupations, employees must be paid overtime after 40 hours of work in a week at 1 1/2 times their hourly rate of pay. For residential employees, the overtime rate applies after 44 hours.

**Tips**  
A specified allowance may be credited toward the minimum wage for tips earned.

**Meals and Lodging**  
A specific credit may be granted toward the minimum wage for meals and/or lodging provided by the employer.

**Federal Law**  
Employees covered under the federal Fair Labor Standards Act must be paid in accordance with State law and also in accordance with higher federal requirements, where applicable.

**Other Wage Requirements**  
A specific amount must be paid, in addition to the minimum wage, for the maintenance of required uniforms.

There are provisions for other supplemental wages in New York State industry wage orders. These may include a part-time rate, daily call-in pay and a rate for split shift or spread of hours. Whether a particular supplemental wage applies depends on the provisions of the industry wage order covering the employment.

**For additional information or to file a complaint...**  
Write or call the Department of Labor, Division of Labor Standards at one of the offices listed below.

**\$7.15** per hora

**INCREMENTO DEL SALARIO MÍNIMO EN EL ESTADO DE NUEVA YORK**  
A partir del 1° de enero de 2007, el salario mínimo del Estado de Nueva York aumentará a \$7.15 por hora. Todo incremento en el salario mínimo federal resultará en un incremento en el salario mínimo estatal.

**Pago por Horas Extras**  
En la mayoría de puestos laborales, los empleados deben recibir una paga de tiempo y medio de la tarifa regular por hora cuando las horas trabajadas exceden las 40 horas semanales. Los empleados que residen en el sitio de trabajo, deben recibir una paga de tiempo y medio de su tarifa regular por hora en exceso de 44 horas semanales.

**Propinas**  
Se puede acreditar al salario mínimo una cantidad específica por las propinas ganadas.

**Comidas y Alojamiento**  
Se puede acreditar una cantidad específica al salario mínimo por comidas y/o alojamiento provistos por el patrono.

**Ley Federal**  
Los empleados protegidos por la Ley Federal de Normas Equitativas del Trabajo (Federal Fair Labor Standards Act) deben ganar salarios según lo estipulan las leyes estatales y en conjunto con los requisitos superiores federales, según corresponda.

**Otros Requisitos Salariales**  
Existen otras disposiciones sobre pagos suplementarios en las ordenanzas industriales del Estado de Nueva York. Dichas disposiciones contienen una tarifa por trabajo a medio tiempo, trabajo diario casual, turnos divididos o por horas reparadas. Si un pago suplementario es pertinente o no, depende de las disposiciones regentes en el tipo de industria vinculada al trabajo en desempleo.

**Si desea información adicional o para informarse sobre la modalidad a seguir para presentar una queja...** Escriba o llame a una de las siguientes oficinas de Department of Labor, Division of Labor Standards.

**ALBANY** 12240  
The Gov. W. Averell Harriman  
State Office Building Campus  
(518) 457-2730

**BINGHAMTON** 13901  
44 Hawley Street  
(607) 721-8014

**BUFFALO** 14202  
65 Court Street  
(716) 847-7141

**GARDEN CITY** 11530  
400 Oak Street  
(516) 794-8195

**NEW YORK** 10014-0675  
Mailing Address: P.O. Box 675  
Office Location: 345 Hudson Street  
(212) 352-6700

**ROCHESTER** 14607 (Subdistrict)  
109 S. Union Street  
(585) 258-4550

**SYRACUSE** 13202  
333 E. Washington Street  
(315) 428-4057

**WHITE PLAINS** 10605  
123 Bloomingdale Road  
(914) 997-9521

For additional information:  
[www.labor.state.ny.us](http://www.labor.state.ny.us)

LS-207 (12/05) Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities.

### Notice - Fringe Benefits and Hours

This employer's policy on sick leave, vacation, personal leave, holidays and hours is contained in the *Employee Handbook*, which was given to each employee. A copy of the handbook can be viewed at the office of \_\_\_\_\_,

during regular business hours.

### Employee Voting Leave in New York

If a registered voter in New York does not have sufficient time outside of working hours to vote at any election, that person may take off the amount of working time that, when added to voting time outside working hours, will allow enough time to vote.

**Paid time off rules.** Of the time taken off to vote, up to two hours may be taken without loss of pay. Time off to vote must be taken at the beginning or end of the person's work shift unless otherwise mutually agreed upon between the employee and employer.

**Advance notice requirements.** An employee who needs time off to vote shall notify the employer no more than 10 nor less than two working days before election day that time off is required.

**Amount of time off allowed.** Of the time taken off to vote, up to two hours may be taken without loss of pay.

**When time off not allowed.** If an employee has four consecutive nonworking hours when the polls are open, the employee has sufficient time outside of work to vote.

**Posting requirements.** Not less than 10 working days before every election, every employer must post a notice setting forth the provisions of the time-off-to-vote law in a conspicuous place. The notice must remain posted until the polls close on election day.

**Employer Penalty for Violation.** Fine of \$100 to \$500 and/or jail up to 1 year (first offense). Corporations also face forfeiture of charter.

Please be advised that the required notice or postings include on this poster are available free of charge from the government office having jurisdiction over the required notices or postings.

**NEW YORK STATE  
DEPARTMENT OF LABOR**

**UNEMPLOYMENT INSURANCE  
DIVISION**

## NOTICE TO EMPLOYEES

Employer's Name \_\_\_\_\_

Registration Number \_\_\_\_\_

Address Where Payroll Records Are Kept \_\_\_\_\_

**EMPLOYEES OF THIS FIRM ARE COVERED BY THE NEW YORK STATE UNEMPLOYMENT INSURANCE LAW.** No deductions from wages may be made for this purpose.

**IF YOU ARE LAID OFF, WORK LESS THAN FOUR DAYS A WEEK, OR RESIGN, GET A "RECORD OF EMPLOYMENT" FORM FROM YOUR EMPLOYER. KEEP THIS FORM.** RECORD OF EMPLOYMENT FORMS REQUIRED BY REGULATION WILL CONTAIN YOUR EMPLOYER'S NAME, REGISTRATION NUMBER AND ADDRESS WHERE PAYROLL RECORDS ARE KEPT.

**IF YOU WISH TO FILE AN APPLICATION FOR UNEMPLOYMENT INSURANCE, CALL THE TELEPHONE CLAIMS CENTER AT 1-888-209-8124 (TRANSLATION SERVICES ARE AVAILABLE) OR ACCESS OUR WEB SITE AT [WWW.LABOR.STATE.NY.US](http://WWW.LABOR.STATE.NY.US)**

HEARING IMPAIRED INDIVIDUALS, WHO HAVE TELEPHONE DEVICE FOR THE DEAF (TTY/TDD) EQUIPMENT, MAY FILE A CLAIM BY CALLING A RELAY OPERATOR AT 1-800-662-1220 AND REQUESTING THE OPERATOR TO CALL 1-888-783-1370. SERVICE AT THIS NUMBER WILL ONLY BE PROVIDED TO CALLERS USING TDD EQUIPMENT.

TO EMPLOYER: POST CONSPICUOUSLY IN EACH WORKPLACE. FOR ADDITIONAL POSTERS WRITE TO: N.Y.S. DEPARTMENT OF LABOR, LIABILITY AND DETERMINATION SECTION, HARRIMAN STATE OFFICE CAMPUS, ALBANY, NY 12240

Equal Opportunity Employer/Program - Auxiliary aids and services are available upon request to individuals with disabilities.

## LAWS GOVERNING THE EMPLOYMENT OF MINORS

*Permitted working hours for minors under 18 years of age*

AGE OF MINOR (GIRLS AND BOYS)	INDUSTRY OR OCCUPATION	MAXIMUM DAILY HOURS	MAXIMUM WEEKLY HOURS	MAXIMUM DAYS PER WEEK	PERMITTED HOURS
MINORS ATTENDING SCHOOL When School is in Session 14 and 15	All occupations except farm work, newspaper carrier and street trades.	3 hours on school days 8 hours on other days	18 <sup>1</sup>	6	7 AM to 7 PM
16 and 17	All occupations except farm work, newspaper carrier and street trades.	4 hours on days preceding school days (i.e. Mon., Tues., Wed., Thurs.) <sup>2</sup> 8 hours on Fri., Sat., Sun., and Holidays <sup>4</sup>	28 <sup>4</sup>	6 <sup>4</sup>	6 AM to 10 PM <sup>3</sup>
When School is Not in Session (Vacation) 14-15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
MINORS NOT ATTENDING SCHOOL 16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
FARM WORK 12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours	-	-	7 AM to 7 PM • June 21 to Labor Day/ 9 AM to 4 PM day after Labor Day to June 20
14 and older	Any farm work.	-	-	-	-
NEWSPAPER CARRIERS 11 to 18	Delivers, or sells and delivers newspapers shopping papers or periodicals to homes or business places.	4 hours on school days 5 hours on other days	-	-	5 AM to 7 PM or 30 minutes prior to Sunset, whichever is later
STREET TRADES 14 to 18	Self-employed work in public places selling newspapers or work as a bootblack	4 hours on school days 5 hours on other days	-	-	6 AM to 7 PM

**A SCHEDULE OF HOURS OF WORK FOR MINORS UNDER 18 YEARS OF AGE MUST BE POSTED IN THE ESTABLISHMENT BY THE EMPLOYER.**

<sup>1</sup>Students 14 and 15 enrolled in an approved work study program may work 3 hours on a school day, 23 hours in any one week when school is in session. <sup>2</sup>Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday when school is in session as long as the hours are in conjunction with the Program. <sup>3</sup>6 AM to 10 PM or until midnight with written parental and educational authorities consent on day preceding a school day and until midnight on day preceding a non-school day with written parental consent. <sup>4</sup>This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

### ADDITIONAL CHILD LABOR LAW INFORMATION

- An Employment Certificate (Working Paper) is required for all minors under 18 years of age who are employed.
- There are numerous prohibited occupations for minors in New York State. Contact any of the offices listed below for further information.
- Civil penalties for violations of Child Labor Laws are:
 

First Violation	- maximum \$1,000*
Second Violation	- maximum \$2,000*
Third or Subsequent Violation	- maximum \$3,000*
- \* If a minor is seriously injured or dies while illegally employed, the penalty is treble the maximum penalty allowable under the law for such violation.
- Section 14A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.

Inquiries concerning these laws and other provisions of the New York State Labor Law may be addressed to the Department of Labor, at one of the offices of the Division of Labor Standards listed below:

CITY	ZIP CODE	ADDRESS	TELEPHONE
ALBANY	12240	State Office Building Campus	(518) 457-2730
BINGHAMTON	13901	44 Hawley Street	(607) 721-8014
BUFFALO	14202	65 Court Street	(716) 847-7141
GARDEN CITY	11530	400 Oak Street	(516) 794-8195
NEW YORK	10014-0675	Mailing Address: P.O. Box 675 Office Location: 345 Hudson Street	(212) 352-6700
ROCHESTER (Subdistrict)	14607	109 S. Union Street	(716) 258-4550
SYRACUSE	13202	333 East Washington Street	(315) 428-4057
WHITE PLAINS	10605	120 Bloomingdale Road	(914) 997-9521

DOL WEBSITE HOMEPAGE  
<http://www.labor.state.ny.us>

**7001 W. 43 RD STREET  
HOUSTON, TEXAS 77092**

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