Overview of New York State’s Labor Laws
The following is a current listing of Labor Standards' Offices and telephone numbers as of December 31, 2006:

Gov. W. Averell Harriman
State Office Building Campus
Bldg. 12, Rm. 185A
Albany 12240
(518) 457-2730

Apparel Industry Task Force
75 Varrick Street, 7th Floor
New York 10013
1-877-381-0926
Serves the Apparel Industry Statewide

State Office Building
44 Hawley Street, Rm. 909
Binghamton 13901 (Subdistrict)
(607) 721-8014

109 S. Union Street, Rm. 318
Rochester 14607 (Subdistrict)
(585) 258-4550

65 Court Street
Buffalo 14202
(716) 847-7141

333 East Washington Street
Syracuse 13202
(315) 428-4057

400 Oak Street, Ste. 101
Garden City 11530
(516) 794-8195

120 Bloomingdale Road
White Plains 10605
(914) 997-9521

75 Varick Street, 7th Floor
New York 10013
(212) 775-3880

DOL WEBSITE HOMEPAGE
http://www.labor.state.ny.us
FUNCTIONS OF THE DIVISION OF LABOR STANDARDS

The Division of Labor Standards enforces the New York State Labor Law concerning minimum wage, payment of wages and wage supplements, child labor, hours of work, farm labor, apparel industry registration, and industrial homework. It also administers the Employment Agency Law (Article 11 of the General Business Law) outside New York City. The Division functions in the following areas:

**Minimum Wage** – Enforces the New York State Minimum Wage Act including four minimum wage orders and the Minimum Wage Standards for Farm Workers. These laws, with specified exceptions, apply to most categories of workers in the State, including those subject to the Federal Fair Labor Standards Act.

**Unpaid or Withheld Wages** – Investigates and endeavors to collect claims for unpaid or withheld wages including illegal deductions. Also enforces the prohibition against illegal kickback of wages and tip appropriation.

**Wage Supplements or Fringe Benefits** – Investigates and endeavors to collect claims for unpaid benefits or wage supplements that the employer has agreed to provide. Wage supplements include vacation or holiday pay, paid sick leave, reimbursement of expenses and other similar items.

**Employment of Minors** – Enforces the statutes governing maximum and prohibited hours of work for minors and the type of work permitted for minors. Inspects establishments to insure that minors under 18 have proper employment certificates.

**Day of Rest and Meal Periods** – Enforces day of rest regulations, where applicable, and the meal periods required for all workers.

**Farm Labor** – Enforces minimum wage standards. After investigation, issues certificates of registration to migrant farm labor contractors, growers and food processors who bring migrant farm labor into the State. Enforces compliance with the conditions set forth in the registration. Also issues permits to labor camp commissaries.

**Apparel Industry** – Registers manufacturers and contractors involved in the production of any apparel. Special task force enforces all applicable labor laws.

**Industrial Homework** – Enforces the restrictions on industrial homework set forth in the Industrial Homework Law and the Homework Order. Issues permits for limited distribution of industrial homework, where authorized, together with certificates to eligible home workers.

**Employment Agencies** – Issues, to qualified applicants, licenses to operate employment agencies outside New York City; enforces the laws and regulations relating to their operation and the fees that may be charged.

For additional information or assistance in any of these areas, contact any of the Division of Labor Standards offices listed below:

**Albany District**
State Office Campus
Bldg. 12, Room 185A
Albany, NY 12240
(518) 457-2730

**Binghamton District**
Sub-District
44 Hawley St.
Room 909
Binghamton, NY 13901
(607) 721-8014

**New York City District**
75 Varick Street
7th Floor
New York, NY 10013
(212) 775-3880

**Rochester**
Sub-District
109 S. Union Street
Room 318
Rochester, NY 14607
(585) 258-4550

**Syracuse District**
333 East Washington Street
Room 121
Syracuse, NY 13202
(315) 428-4057

**Buffalo District**
65 Court Street
Room 202
Buffalo, NY 14202
(716) 847-7141

**Rochester**
Sub-District
109 S. Union Street
Room 318
Rochester, NY 14607
(585) 258-4550

**Syracuse District**
333 East Washington Street
Room 121
Syracuse, NY 13202
(315) 428-4057

**White Plains District**
120 Bloomingdale Road
Suite 101
White Plains, NY 10605
(914) 997-9521

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

LS-127 (10-07)
Section 193. Deductions from Wages.

1) No employer shall make any deduction from the wages of an employee, except deductions which:
   a) are made in accordance with the provisions of any law or any rule or regulation issued by any governmental agency; or
   b) expressly authorized in writing by the employee and are for the benefit of the employee; provided that such authorization is kept on file on the employer's premises. Such authorized deductions shall be limited to payments for insurance premiums, pension or health and welfare benefits, contributions to charitable organizations, payments for United States bonds, payments for dues or assessments to a labor organization, and similar payments for the benefit of the employee.

2) No employer shall make any charge against wages, or require an employee to make any payment by separate transaction unless such charge or payment is permitted as a deduction from wages under the provisions of subdivision one of this section.

3) Nothing in this section shall justify noncompliance with article three-A of the personal property law relating to assignment of earnings, nor with any other law applicable to deductions from wages.
Section 196-d. Gratuities. No employer or his agent or an officer or agent of any corporation, or any other person shall demand or accept, directly or indirectly, any part of the gratuities, received by an employee, or retain any part of a gratuity or of any charge purported to be a gratuity for an employee. This provision shall not apply to the checking of hats, coats or other apparel. Nothing in this subdivision shall be construed as affecting the allowances from the minimum wage for gratuities in the amount determined in accordance with the provisions of article nineteen of this chapter nor as affecting practices in connection with banquets and other special functions where a fixed percentage of the patron’s bill is added for gratuities which are distributed to employees, nor to the sharing of tips by a waiter with a busboy or similar employee.
Section 198c of the New York State Labor Law

Section 198c. Benefits or wage supplements.

1. In addition to any other penalty or punishment otherwise prescribed by law, any employer who is party to an agreement to pay or provide benefits or wage supplements to employees or to a third party or fund for the benefit of employees and who fails, neglects or refuses to pay the amount or amounts necessary to provide such benefits or furnish such supplements within thirty days after such payments are required to be made, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section on hundred ninety-eight-a of this article. Where such employer is a corporation, the president, secretary, treasurer or officers exercising corresponding functions shall each be guilty of a misdemeanor.

2. As used in this section, the term “benefits or wage supplements” includes, but is not limited to, reimbursement for expenses; health, welfare and retirement benefits; and vacation, separation or holiday pay.

3. This section shall not apply to any person in a bona fide executive, administrative, or professional capacity whose earnings are in excess of six hundred dollars a week.

FOR MORE INFORMATION, WRITE OR CALL THE NEAREST OFFICE OF THE DIVISION OF LABOR STANDARDS, NEW YORK STATE DEPARTMENT OF LABOR, LISTED BELOW:

Albany District
State Office Campus
Bldg. 12, Room 185A
Albany, NY 12240
(518) 457-2730

Binghamton District
Sub-District
44 Hawley St.
Room 909
Binghamton, NY 13901
(607) 721-8014

Buffalo District
65 Court Street
Room 202
Buffalo, NY 14202

New York City District
75 Varick Street
7th Floor
New York, NY 10013
(212) 775-3880

Rochester
Sub-District
109 S. Union Street
Room 318
Rochester, NY 14607

Syracuse District
333 East Washington Street
Room 121
Syracuse, NY 13202
(315) 428-4057

Garden City
400 Oak Street
Suite 101
Garden City, NY 11530-6551
(516) 794-8195

White Plains District
120 Bloomingdale Road
White Plains, NY 10605
(914) 997-9521

DOL WEBSITE HOMEPAGE
http://www.labor.state.ny.us
Notice Requirements for Fringe Benefits and Hours

Section 195.5 of the New York State Labor Law effective December 12, 1981 provides as follows:

“Every employer shall notify his employees in writing or by publicly posting the employer’s policy on sick leave, vacation, personal leave, holidays and hours.”

To assist employers in complying with this provision, the Division of Labor Standards has issued the following guidelines:

1. An employer shall distribute in writing to each employee, the employer’s policy on the above-enumerated items. The employer upon the request of the Department must be able to affirmatively demonstrate that such written notification was provided to employees by means, which may include, but not be limited to, distribution through company newspapers or newsletters or by inclusion in a company payroll.

OR

An employer shall post and keep posted in each establishment in a conspicuous place where notices to employees are customarily posted, a notice that states where on the employer’s premises they may see such information in writing. Such information may be contained in a union contract, employee handbook, personnel manual, or in other written form. Deviations for an employee from such stated policy must be given to said employee in writing.

2. As used in the provision above, “hours” means the hours which constitute a standard workday and workweek for the establishment, and any other regular schedule, such as for part-time employees. Deviations should be given to the affected employee in writing.

FOR MORE INFORMATION, CALL OR WRITE THE NEAREST OFFICE OF THE DIVISION OF LABOR STANDARDS, OF THE NEW YORK STATE DEPARTMENT OF LABOR, LISTED BELOW:

Albany District  
State Office Campus  
Bldg. 12, Room 185A  
Albany, NY  12240  
(518) 457-2730

Binghamton District  
Sub-District  
44 Hawley St.  
Room 909  
Binghamton, NY  13901  
(607) 721-8014

New York City District  
75 Varick Street  
7th Floor  
New York, NY  10013  
(212) 775-3880

Garden City  
400 Oak Street  
Suite 101  
Garden City, NY  11530-6551  
(516) 794-8195

Buffalo District  
65 Court Street  
Room 202  
Buffalo, NY  14202  
(716) 847-7141

Rochester  
Sub-District  
109 S. Union Street  
Room 318  
Rochester, NY  14607  
(585) 258-4550

Syracuse District  
333 East Washington Street  
Room 121  
Syracuse, NY  13202  
(315) 428-4057

White Plains District  
120 Bloomingdale Road  
White Plains, NY  10605  
(914) 997-9521

DOL WEBSITE HOMEPAGE  
www.labor.state.ny.us

LS 606 (09-07)
EMPLOYMENT POSTERS INFORMATION

In response to your request for required employment posters, we are pleased to send the following, which are within the jurisdiction of the Division of Labor Standards and are mandated by New York State Labor Law:

☐ MINIMUM WAGE POSTER

☐ WORKING HOURS FOR MINORS: Prepare and conspicuously display your own notice showing the daily starting and ending times, including meal periods, for every day each minor is scheduled to work. A copy of “Permitted Working Hours for Minors Under 18 Years of Age” (LS-171) is enclosed.

☐ NOTICE OF FRINGE BENEFITS AND HOURS POSTING: Either prepare and conspicuously display your own notice delineating your company’s policy concerning fringe benefits and working hours or distribute a copy of your policy to each employee. “Notice Requirements for Fringe Benefits and Hours” (LS-606) is enclosed.

☐ PROHIBITED WAGE DEDUCTIONS AND TIP APPROPRIATION POSTING: Employers engaged in the sale or service of food or beverages are required to post a copy of Labor Law Sections 193 (prohibited deductions from wages) and 196-d (appropriation of tips). A copy of each Section is enclosed.

FOR ADDITIONAL INFORMATION OR ASSISTANCE, CONTACT ANY OF THE DIVISION OF LABOR STANDARDS OFFICES LISTED ON THE REVERSE SIDE.

POSTERS REQUIRED FROM THE UNEMPLOYMENT INSURANCE DIVISION AND OTHER AGENCIES:

UNEMPLOYMENT INSURANCE POSTER: Issued by the New York State Department of Labor, Unemployment Insurance Division, Registration Section, Room 363, Gov. W. Averell Harriman State Office Building Campus, Albany, NY 12240, (518) 485-8589, following your registration.

WORKERS COMPENSATION AND DISABILITY BENEFITS POSTERS: Obtain from your insurance carrier.

HUMAN RIGHTS POSTER (ANTI-DISCRIMINATION LAWS): Obtain from the New York State Division of Human Rights, Public Information, 1 Fordham Plaza, 4th Floor, Bronx, NY 10458, (718) 741-8400.

FEDERAL POSTERS: Obtain from the United States Department of Labor and the Equal Opportunity Commission. To locate the offices nearest you, consult the blue pages of your telephone directory under, “United States Government Offices.”

LS-205 09-07)
DISTRICT OFFICES:

ALBANY DISTRICT
State Office Campus
Bldg. 12, Room 185A
Albany, NY  12240
(518) 457-2730

BINGHAMTON DISTRICT
Sub-district
44 Hawley Street
Room 909
Binghamton, NY  13901
(607) 721-8014

BUFFALO DISTRICT
65 Court Street
Room 202
Buffalo, NY  14202
(716) 847-7141

GARDEN CITY
400 Oak Street
Suite 101
Garden City, NY  11530-6551
(516) 794-8195

NEW YORK CITY
75 Varick Street, 7th Floor
New York, NY  10013
(212) 775-3880

ROCHESTER
(Sub-district)
109 S. Union Street
Room 318
Rochester, NY  14607
(585) 258-4550

SYRACUSE DISTRICT
333 East Washington Street
Room 121
Syracuse, NY  13202
(315) 428-4057

WHITE PLAINS DISTRICT
120 Bloomingdale Road
White Plains, NY  10605
(914) 997-9521

DOL WEBSITE HOMEPAGE
http://www.labor.state.ny.us
Section 161. **One day rest in seven.** 1. Every employer operating a factory, mercantile establishment, hotel, restaurant, or freight or passenger elevator in any building or place shall, except as herein otherwise provided, allow every person employed in such establishment or in the care, custody or operation of any such elevator, at least twenty-four consecutive hours of rest in any calendar week. Every employer operating a place in which motion pictures are shown shall allow the projectionist or operator of the motion picture machine and engineers and firemen therein at least twenty-four consecutive hours of rest in any calendar week. Every employer operating a place in which legitimate theatre productions such as dramatic and musical productions are shown or exhibited shall allow all employees, including the performers in the cast therein and engineers and firemen, at least twenty-four consecutive hours of rest in each and every calendar week, but this shall not apply to any place wherein motion pictures, vaudeville or incidental stage presentations or a combination thereof are regularly given throughout the week as the established policy of such place; except that engineers and firemen employed in such place shall be allowed at least twenty-four consecutive hours of rest in any calendar week. No employer shall operate such establishment, place or elevator on Sunday unless he shall comply with subdivision three. This section does not authorize any work on Sunday not permitted now or hereafter by law.

Every owner, lessee and operator of a dwelling, apartment, loft and office building, garage, storage place and building, wherein or whereat a watchman or watchmen or engineer or fireman are employed, shall allow such person or persons so employed at least twenty-four consecutive hours of rest in each and every calendar week.

Every owner, lessee or operator of a warehouse, storagehouse, office, dwelling, apartment, loft and any other building or structure wherein a janitor, superintendent, supervisor or manager or engineer or fireman is employed, shall allow such person or persons so employed at least twenty-four consecutive hours of rest in each and every calendar week.

2. This section shall not apply to:
   a. Foreman in charge;
   b. Employees in dairies, creameries, milk condenseries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice cream manufacturing plants and milk bottling plants, where not more than seven persons are employed;
   c. Employees, if the board in its discretion approves, engaged in an industrial or manufacturing process necessarily continuous, in which no employee is permitted to work more than eight hours in any calendar day;
   d. Employees whose duties include not more than three hour’s work on Sunday in setting sponges in bakeries, caring for live animals, maintaining fires, or making necessary repairs to boilers or machinery.
e. Employees in resort or seasonal hotels and restaurants in rural communities and in cities and villages having a population of less than fifteen thousand inhabitants, excluding that portion of the population of a third class city residing outside of its corporation tax district where such city embraces the entire area of a former township. As used in this subdivision, the term “resort” shall apply to any establishment enumerated herein which operates for not more than four calendar months and fifteen days in each year, and the term “seasonal” shall apply to any establishment enumerated herein in which the number of employees is increased by at least one hundred per cent from the slack to the busiest season.

f. Employees in dry dock plants engaged in making repairs to ships.

3. Before operating on Sunday, every employer shall designate a day of rest, consisting of at least twenty-four consecutive hours of rest in each and every calendar week for each employee, and shall notify each employee in advance of his or her designated day of rest. No employee shall be permitted to work on his designated day of rest.

4. Every employer shall keep a time book showing the names and addresses of his employees and the hours worked by each of them in each day.

5. If there shall be practical difficulties or unnecessary hardship in carrying out the provisions of this section or the rules promulgated hereunder, the commissioner may make a variation therefrom if the spirit of the act be observed and substantial justice done. Such variation shall describe the conditions under which it shall be permitted and shall apply to substantially similar conditions. A properly indexed record of variations shall be kept by the department. Each application for a variation shall be accompanied by a non-refundable fee of forty dollars.

6. In case of violation of any of the provisions of this section, the commissioner shall issue an order directing compliance therewith, and upon failure so to comply shall commence a prosecution as provided by law.

Inquiries may be addressed or telephone calls may be made to the nearest office of the Division of Labor Standards of the New York State Department of Labor listed below:

**Albany District**
State Office Campus
Bldg. 12, Room 185A
Albany, NY 12240
(518) 457-2730

**Binghamton District**
Sub-District
44 Hawley St.
Room 909
Binghamton, NY 13901
(607) 721-8014

**New York City District**
75 Varick Street
7th Floor
New York, NY 10013
(212) 775-3880

**Garden City**
400 Oak Street
Suite 101
Garden City, NY 11530-6551
(516) 794-8195

**Buffalo District**
65 Court Street
Room 202
Buffalo, NY 14202
(716) 847-7141

**Rochester**
Sub-District
109 S. Union Street
Room 318
Rochester, NY 14607
(585) 258-4550

**Syracuse District**
333 East Washington Street
Room 121
Syracuse, NY 13202
(315) 428-4057

**White Plains District**
120 Bloomingdale Road
White Plains, NY 10605
(914) 997-9521

DOL WEBSITE HOMEPAGE
http://www.labor.state.ny.us
Section 162 of the New York State Labor Law provides as follows:

**Time allowed for meals**

1. Every person employed in or in connection with a factory shall be allowed at least sixty minutes for the noonday meal.

2. Every person employed in or in connection with a mercantile or other establishment or occupation coming under the provisions of this chapter shall be allowed at least thirty minutes for the noonday meal, except as in this chapter otherwise provided. The noonday meal period is recognized as extending from eleven o’clock in the morning to two o’clock in the afternoon. An employee who works a shift of more than six hours, which extends over the noonday meal period, is entitled to at least thirty minutes off within that period for the meal period.

3. Every person employed for a period or shift starting before eleven o’clock in the morning and continuing later than seven o’clock in the evening shall be allowed an additional meal period of at least twenty minutes between five and seven o’clock in the evening.

4. Every person employed for a period or shift of more than six hours starting between the hours of one o’clock in the afternoon and six o’clock in the morning, shall be allowed at least sixty minutes for a meal period when employed in or in connection with a factory, and forty-five minutes for a meal period when employed in or in connection with a mercantile or other establishment or occupation coming under the provision of this chapter, at a time midway between the beginning and end of such employment.

5. The commissioner may permit a shorter time to be fixed for meal periods than hereinbefore provided. The permit therefore shall be in writing and shall be kept conspicuously posted in the main entrance of the establishment. Such permit may be revoked at any time.

In administering this statute, the Department applies the following interpretations and guidelines:

**Employee Coverage.** Section 162 applies to every “person” in any establishment or occupation covered by the Labor Law. Accordingly, all categories of workers are covered, including white-collar management staff.
Shorter Meal Periods. The Department will permit a shorter meal period of not less than 30 minutes as a matter of course, without application by the employer, so long as there is no indication of hardship to employees. A meal period of not less than 20 minutes will be permitted only in special or unusual cases after investigation and issuance of a special permit.

One Employee Shift. In some instances where only one person is on duty or is the only one in a specific occupation, it is customary for the employee to eat on the job without being relieved. The Department of Labor will accept these special situations as compliance with Section 162 where the employee voluntarily consents to the arrangements. However, an uninterrupted meal period must be afforded to every employee who requests this from an employer.

Not all possible meal period questions can be anticipated and, therefore, these “Guidelines” may not cover all situations that might arise. For additional information or assistance, contact any of the Division of Labor Standards offices listed below.

<table>
<thead>
<tr>
<th>District</th>
<th>Office Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany District</td>
<td>State Office Campus</td>
<td>(518) 457-2730</td>
</tr>
<tr>
<td></td>
<td>Bldg. 12, Room 185A Albany, NY 12240</td>
<td></td>
</tr>
<tr>
<td>Binghamton District</td>
<td>Sub-District</td>
<td>(607) 721-8014</td>
</tr>
<tr>
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<td>44 Hawley St.</td>
<td></td>
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<tr>
<td></td>
<td>Room 909</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Binghamton, NY 13901</td>
<td></td>
</tr>
<tr>
<td>New York City District</td>
<td>75 Varick Street</td>
<td>(212) 775-3880</td>
</tr>
<tr>
<td></td>
<td>7th Floor</td>
<td></td>
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<tr>
<td></td>
<td>New York, NY 10013</td>
<td></td>
</tr>
<tr>
<td>Garden City</td>
<td>400 Oak Street</td>
<td>(516) 794-8195</td>
</tr>
<tr>
<td></td>
<td>Suite 101</td>
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<td></td>
<td>Garden City, NY 11530-6551</td>
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<tr>
<td>Buffalo District</td>
<td>65 Court Street</td>
<td>(716) 847-7141</td>
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<td>Room 202</td>
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<td></td>
<td>Buffalo, NY 14202</td>
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<tr>
<td>Rochester</td>
<td>Sub-District</td>
<td>(585) 258-4550</td>
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<td></td>
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<td>Syracuse District</td>
<td>333 East Washington Street</td>
<td>(315) 428-4057</td>
</tr>
<tr>
<td></td>
<td>Room 121</td>
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<td></td>
<td>Syracuse, NY 13202</td>
<td></td>
</tr>
<tr>
<td>White Plains District</td>
<td>120 Bloomingdale Road</td>
<td>(914) 997-9521</td>
</tr>
<tr>
<td></td>
<td>White Plains, NY 10605</td>
<td></td>
</tr>
</tbody>
</table>

DOL WEBSITE HOMEPAGE
http://www.labor.state.ny.us
**PERMITTED WORKING HOURS FOR MINORS UNDER 18 YEARS OF AGE**

The following chart is a summary of the permitted working hours provisions of the New York State Labor Law relating to minors less than 18 years of age:

<table>
<thead>
<tr>
<th>AGE OF MINOR (GIRLS AND BOYS)</th>
<th>INDUSTRY OR OCCUPATION</th>
<th>MAXIMUM DAILY HOURS</th>
<th>MAXIMUM WEEKLY HOURS</th>
<th>MAXIMUM DAYS PER WEEK</th>
<th>PERMITTED HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MINORS ATTENDING SCHOOL</strong></td>
<td></td>
<td></td>
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<tr>
<td>When School is in Session</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 and 15</td>
<td>All occupations except farm work, newspaper carrier and street trades.</td>
<td>3 hours on school days</td>
<td>18&lt;sup&gt;1&lt;/sup&gt;</td>
<td>6</td>
<td>7 AM to 7 PM</td>
</tr>
<tr>
<td>16 and 17</td>
<td>All occupations except farm work, newspaper carrier and street trades.</td>
<td>8 hours on other days</td>
<td>6</td>
<td>7</td>
<td>6 AM to 10 PM&lt;sup&gt;3&lt;/sup&gt;</td>
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<tr>
<td></td>
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<tr>
<td>When School is Not In Session (Vacation)</td>
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<td></td>
</tr>
<tr>
<td>14 and 15</td>
<td>All occupations except farm work, newspaper carrier and street trades.</td>
<td>8 hours</td>
<td>40</td>
<td>6</td>
<td>7 AM to 9 PM</td>
</tr>
<tr>
<td>16 and 17</td>
<td>All occupations except farm work, newspaper carrier and street trades.</td>
<td>8 hours&lt;sup&gt;4&lt;/sup&gt;</td>
<td>48&lt;sup&gt;4&lt;/sup&gt;</td>
<td>6&lt;sup&gt;4&lt;/sup&gt;</td>
<td>6 AM to Midnight&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>MINORS NOT ATTENDING SCHOOL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 and 17</td>
<td>All occupations except farm work, newspaper carrier and street trades.</td>
<td>8 hours&lt;sup&gt;4&lt;/sup&gt;</td>
<td>48&lt;sup&gt;4&lt;/sup&gt;</td>
<td>6&lt;sup&gt;4&lt;/sup&gt;</td>
<td>6 AM to Midnight&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>FARM WORK</strong></td>
<td></td>
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<tr>
<td>12 and 13</td>
<td>Hand harvest of berries, fruits and vegetables.</td>
<td>4 hours</td>
<td>-</td>
<td>-</td>
<td>7 AM to 7 PM</td>
</tr>
<tr>
<td>14 and older</td>
<td>Any farm work</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>NEWSPAPER CARRIERS.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 to 18</td>
<td>Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.</td>
<td>4 hours on school days</td>
<td>-</td>
<td>-</td>
<td>5 AM to 7 PM or 30 minutes prior to Sunset, whichever is later</td>
</tr>
<tr>
<td><strong>STREET TRADES</strong></td>
<td>Self-employed work in public places selling newspapers or work as a bootblack.</td>
<td>4 hours on school days</td>
<td>-</td>
<td>-</td>
<td>6 AM to 7 PM</td>
</tr>
</tbody>
</table>

<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.

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

LS-171 (09-07)
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 or 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:

<table>
<thead>
<tr>
<th>CITY</th>
<th>ZIP CODE</th>
<th>ADDRESS</th>
<th>TELEPHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALBANY</td>
<td>12240</td>
<td>State Office Building Campus</td>
<td>(518) 457-2730</td>
</tr>
<tr>
<td>BINGHAMTON (Subdistrict)</td>
<td>13901</td>
<td>44 Hawley Street</td>
<td>(607) 721-8014</td>
</tr>
<tr>
<td>BUFFALO</td>
<td>14202</td>
<td>65 Court Street</td>
<td>(716) 847-7141</td>
</tr>
<tr>
<td>GARDEN CITY</td>
<td>11530</td>
<td>400 Oak Street</td>
<td>(516) 794-8195</td>
</tr>
<tr>
<td>NEW YORK</td>
<td>10013</td>
<td>75 Varick Street, 7th Floor</td>
<td>(212) 775-3880</td>
</tr>
<tr>
<td>ROCHESTER (Subdistrict)</td>
<td>14607</td>
<td>109 S. Union Street</td>
<td>(585) 258-4550</td>
</tr>
<tr>
<td>SYRACUSE</td>
<td>13202</td>
<td>333 East Washington Street</td>
<td>(315) 428-4057</td>
</tr>
<tr>
<td>WHITE PLAINS</td>
<td>10605</td>
<td>120 Bloomingdale Road</td>
<td>(914) 997-9521</td>
</tr>
</tbody>
</table>

DOL WEBSITE HOMEPAGE
http://www.labor.state.ny.us
Section 141 of the New York State Labor Law, effective September 1, 1991, provides for the imposition of civil penalties of not more than $1,000 for a first violation, $2,000 for a second violation and $3,000 for a third or subsequent violation of Article 4 governing the employment of minors under 18 years of age by an employer.

The following guidelines establish a range of monetary assessments for various types of violations. They are general in nature and may not cover every specific situation. In determining the appropriate monetary amount within the range shown, consideration will be given to the criteria enumerated in the statute, namely “the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations and the failure to comply with record keeping or other requirements.” For example, the penalty for a larger firm (25 or more employees) would tend to be in the higher range since such firms should have knowledge of the laws. The gravity of the violation would depend on such factors as the age of the minor, whether required to be in school, and the degree of exposure to the hazards of prohibited occupations. Failure to keep records of the hours of work of the minors would also have a bearing on the size of the penalty.

**PENALTIES**

- **FIRST VIOLATION**: $0 - $1,000
- **SECOND VIOLATION**: $500 - $2,000
- **THIRD OR SUBSEQUENT VIOLATION**: $2,000 - $3,000

**PENALTIES MAY BE ASSESSED FOR VIOLATIONS PERTAINING TO:**

1. Employment of minors under fourteen years of age. (Sec. 130)
2. Employment of minors fourteen or fifteen years of age. (Sec. 131)
3. Employment of minors sixteen or seventeen years of age. (Sec. 132)
4. Prohibited employment of minors. (Sec. 133)
5. Placement of minors by employment agencies. (Sec. 134)
6. Duties of Employers. (Sec. 135)
7. Employment of persons apparently under eighteen years of age. (Sec. 138)
8. Employment of child performers, child models, street-trades and newspaper carriers. (ACAL 35.01, 35.05; Ed.L. 3227, 3228)
9. Hours of work for minors fourteen and fifteen years of age. (Sec. 142)
10. Hours of work for minors sixteen and seventeen years of age. (Sec. 143)
11. Posting of hours. (Sec. 144)

**CONFERENCE PRIOR TO ASSESSMENT OF PENALTY** After a violation is reported, a conference may be scheduled affording the employer the opportunity to be heard on the reported violation. A determination regarding the assessment of a civil penalty will be made following the conference.

**RIGHT TO APPEAL** If the employer is aggrieved by the determination following such conference, the employer has the right to appeal such determination within 60 days of the date of issuance to the Industrial Board of Appeals, Empire State Plaza, Bldg. 2, 20th Floor, New York 12223 as prescribed by its Rules of Procedure.

FOR INFORMATION REGARDING NEW YORK STATE CHILD LABOR LAWS, PLEASE CALL OR WRITE THE NEAREST OFFICE OF THE DIVISION OF LABOR STANDARDS LISTED BELOW:

**ALBANY DISTRICT**
State Office Campus
Bldg. 12, Room 185A
Albany, NY 12240
(518) 457-2730

**BINGHAMTON DISTRICT**
(Sub-district)
44 Hawley Street
Room 909
Binghamton, NY 13901
(607) 721-8014

**BUFFALO DISTRICT**
65 Court Street
Room 202
Buffalo, NY 14202
(716) 847-7141

**GARDEN CITY**
400 Oak Street
Suite 101
Garden City, NY 11530-6551
(516) 794-8195

**NEW YORK CITY DISTRICT**
75 Varick Street, 7th Floor
New York, NY 10013
(212) 775-3880

**ROCHESTER DISTRICT**
(Sub-district)
109 S. Union Street
Room 318
Rochester, NY 14607
(585) 258-4550

**SYRACUSE**
333 E. Washington Street
Room 121
Syracuse, NY 13202
(315) 428-4057

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120 Bloomingdale Road
White Plains, NY 10605
(914) 997-9521

DOL WEBSITE HOMEPAGE
http://www.labor.state.ny.us
New York State Department of Labor  
Division of Labor Standards

GUIDELINES - CIVIL PENALTIES FOR LABOR LAW VIOLATIONS

Effective May 25, 1990, Section 218 of the New York State Labor Law provides for the imposition of civil penalties of up to $1,000 for a first violation, $2,000 for a second violation or $3,000 for a third or subsequent violation of Labor Law Article Six (Payment of Wages) and Article Nineteen (Minimum Wage Act) by an employer, where the violation is for a reason other than the employer’s failure to pay wages, benefits or wage supplements found to be due.

The following guidelines identify the various violations and establish a range of monetary assessments. They are general in nature and may not cover every specific situation. In determining the appropriate monetary amount within the range shown, consideration will be given to the criteria enumerated in the statute, namely the size of the employer’s business, the good faith of the employer, the gravity of the violation [and] the history of previous violations.

<table>
<thead>
<tr>
<th>PENALTIES</th>
<th>FIRST VIOLATION</th>
<th>SECOND VIOLATION</th>
<th>THIRD AND SUBSEQUENT VIOLATION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$0 - $1,000</td>
<td>$500 - $2,000</td>
<td>$2,000 - $3,000</td>
</tr>
</tbody>
</table>

VIOLATIONS

1. ARTICLE 6

a. Failure to make timely payment of wages, commissions or agreed benefits. (Sec. 191.1a, 191.1b, 191.1c, 191.1d, 191.3, 198-c)

b. Failure to furnish commission salesperson, upon written request, a statement of earnings paid or due and unpaid. (Sec. 191.1c)

c. Direct deposit of wages without written consent of employee. (Sec. 192.2)

d. Prohibited deductions from wages, either direct or indirect. (Sec. 193.1, 193.2)

e. Differential in rate of pay because of sex. (Sec. 194)

f. Failure to notify employees of the pay rate or pay day. (Sec. 195.1, 195.2)

g. Failure to give employees a complete wage statement with every wage payment or to furnish employees, upon request, an explanation of how wages were computed. (Sec. 195.3)

h. Failure to maintain complete and accurate payroll records. (Sec. 195.4)

i. Failure to notify employees in writing or to post notice of hours and fringe benefit policy. (Sec. 195.5)

j. Failure to notify employee terminated from employment, in writing and within five working days after the date of termination, of the exact date of such termination as well as the exact date of cancellation of employee benefits connected with such termination. (Sec. 195.6)

k. Appropriation of employees' tips. (Sec. 196-d)

l. Requiring a “kick-back” of wages. (Sec. 198-b) ¹

m. Failure to post copy of Sec. 193, prohibited deductions from wages, and Sec. 196-d, appropriation of tips. (Sec. 198-d) ²

¹ Penalty for first and subsequent violation is $2,500 - $5,000

² Required of employers engaged in the sale or service of food or beverages.

LS-255 (09-07) (CONTINUED ON REVERSE SIDE)
1. ARTICLE 19
   a. Failure to post the Labor Department’s Minimum Wage poster. (Sec. 661)
   b. Failure to maintain complete and accurate payroll records. (Sec. 661)
   c. Failure to permit Labor Department Investigators to conduct employee interviews. (Sec. 661)

2. MINIMUM WAGE ORDERS
   a. Failure to give employees a complete wage statement with every wage payment. (Wage Order Sections 137-2.2, 138-3.2, 141-2.2, 142-2.7, 142-3.8)

*         *         *         *         *

CONFERENCE PRIOR TO ASSESSMENT OF PENALTY. After a violation is reported, a conference may be scheduled affording the employer the opportunity to be heard on the reported violation. A determination regarding the assessment of a civil penalty will be made following the conference.

RIGHT TO APPEAL. If the employer is aggrieved by the determination following such conference, the employer has the right to appeal such determination within 60 days of the date of issuance to the Industrial Board of Appeals, Empire State Plaza, Agency Building #2, 20th Floor, Albany, NY 12223, as prescribed by its Rules of Procedure.

FOR INFORMATION REGARDING NEW YORK STATE LAWS, PLEASE COMMUNICATE WITH THE NEAREST OFFICE OF THE DIVISION OF LABOR STANDARDS LISTED BELOW:

**Albany District**
State Office Campus
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Albany, NY 12240
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**Binghamton District**
Sub-District
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Room 909
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**White Plains District**
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DOL WEBSITE HOMEPAGE
http://www.labor.state.ny.us
PUBLICATIONS AVAILABLE FROM THE DIVISION OF LABOR STANDARDS

PAMPHLETS AND WAGE ORDERS

- Worker Protection in New York State
- Farm Workers Guide to New York State Labor Laws
- Laws Governing the Employment of Minors
- Minimum Wage Act (Article 19 of the New York State Labor Law)
- Special Task Force for the Apparel Industry (Article 12-A of the New York State Labor Law)
- Minimum Wages Standards for Farm Workers (Article 19A of the New York State Labor Law)
- Minimum Wage Orders:
  - Part 137 - Restaurant Industry
  - Part 138 - Hotel Industry
  - Part 141 - Building Service Industry
  - Part 142 - Miscellaneous Industries and Occupations
  - Part 143 - Minimum Wage Requirements Applicable to Non-Profitmaking Institutions Which Have Elected to Pay the Statutory Wage in Lieu of Wage Order Coverage
  - Part 190 - Farm Workers
- Summary of Wage Order Rates and Allowances

POSTERS

- Minimum Wage Information (English and Spanish)
- Minimum Wage Information (English and Chinese)
- Summary of Minimum Wage Order for Farm Workers (English and Spanish)

LEAFLETS

- Abstract of Laws Relating to Payment of Wages
- Deductions From Wages
- Equal Pay Provisions of New York State Labor Law
- Fringe Benefits
- Functions of the Division of Labor Standards
- Guidelines - Direct Deposit of Wages in a Bank or Financial Institution
- Guidelines - Notice Requirements for Fringe Benefits and Hours
- Guidelines - Civil Penalties for Child Labor Violations
- Guidelines - Civil Penalties for Labor Law Violations
- Guidelines - Civil Penalties for Labor Law Violations - Agricultural Employers
- Guidelines - Rehabilitation Programs
- Labor Law Information for Household Employers and Domestic Workers
- Meal Periods
- Permitted Working Hours for Minors in Factories, Mercantile and Other Establishments
- Sample Farm Work Agreement

Copies of the above may be obtained free of charge by writing, calling or visiting any of the offices of the Division of Labor Standards listed below.

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PROTECT all Workers
ASSIST the Unemployed
CONNECT Employers and Workers

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