

NEW YORK



LABOR LAW POSTINGS

English and Spanish

New York Labor Law Postings (English and Spanish)

Thank you for using GovDocs! This file contains the following state postings:

Posting ID	Name of Posting	Posting Requirements
LDNY01	Miscellaneous Industry Minimum Wage Information (LS207)	Required for all employers
LDNY71	Miscellaneous Industry Minimum Wage (Spanish) (LS207S)	Required for employers with 1 or more spanish speaking employees
LDNY03	Discrimination	Required for all employers
LDNY05	Laws Governing the Employment of Minors (Child Labor) (LS171)	Optional for all employers with employees under age 18
LDNY08	Right to Know	Required for any employers where toxic substances are found in the workplace.
LDNY09	Job Safety and Health Protection (Public Employers)	Required for all Public Employers
LDNY11	No Smoking	Required for all employers
LDNY10	Smoking Permitted	Required for all who employ employees in a place where smoking is permitted
LDNY28	Standards for Protection Against Radiation DOH-2482	Required for employers who work with Radiation
LDNY13	Time Allowed To Vote	Required for all employers
LDNY25	Fringe Benefits LS606	Optional for all employers
LDNY29	Deduction from Wages LS605	Required for all employers.
LDNY30	Tip Appropriation LS204	Required for all employers.
LDNY31	New York Correction Law Article 23-A	Required for all employers
LDNY35	Construction Industry Fair Play Act	Required for all employers in the construction industry
LDNY36	Construction Industry Fair Play Act (Spanish)	Required for all employers in the construction industry who employ Spanish-only speaking employees
LDNY38	Farm Workers Minimum Wage LS110	Required for farm employers on farms that paid over \$3,000 to workers in the previous calendar year
LDNY72	Farm Workers Minimum Wage (Spanish) LS110S	Required for employers with 1 or more spanish speaking employees
LDNY45	Public Work Project (PW101)	Required for contractors and subcontractors
LDNY48	Commercial Goods Transportation Industry Fair Play Act	Required for all motor carriers in New York State
LDNY49	Commercial Goods Transportation Industry Fair Play Act (Spanish)	Required for all employers in the motor carrier industry who employ Spanish-only speaking employees
LDNY62	Nail Workers Bill of Rights	Required for Nail Salons
LDNY68	Hospitality Industry Minimum Wage LS207.3	Required for employees in the hospitality industry
LDNY73	Hospitality Industry Minimum Wage (Spanish) LS207.3S	Required for employers in the hospitality industry with 1 or more spanish speaking employees
LDNY69	Building Services Industry Minimum Wage LS207.2	Required for employees in the building services industry
LDNY74	Building Services Industry Minimum Wage (Spanish) LS207.2S	Required for employers in the building services industry with 1 or more spanish speaking employees

Posting ID	Name of Posting	Posting Requirements
LN70	Apparel Industry Minimum Wage LS203	Required for employees in the apparel industry
LN75	Apparel Industry Minimum Wage (Spanish) LS203S	Required for employers in the apparel industry with 1 or more spanish speaking employee
LN83	Guidelines Regarding the Rights of Nursing Mothers (LS702)	Notice required, poster can serve as a notice
LN95	Sexual Harassment Prevention Poster	Optional for all employers
LN101	Paid Sick and Safe Leave	Required for employers with five or more employees or fewer than five employees and a net income of \$1 million or less.
LN114	Prohibited Retaliatory Personnel Action by Employers (Whistleblower)	Required for all employers
LN110	Hero Act	Required for all employers
LN111	Hero Act (Spanish)	Required for all employees in the language identified as the primary language of such employees
LN115	Healthy Terminals Miscellaneous Industry	Required for LaGuardia Airport, John F. Kennedy International Airport, and related locations where covered airport workers are employed
LN116	Healthy Terminals Miscellaneous Industry (Spanish)	Optional for LaGuardia Airport, John F. Kennedy International Airport, and related locations where covered airport workers are employed
LN117	Healthy Terminals Hospitality Industry	Required for LaGuardia Airport, John F. Kennedy International Airport, and related locations where airline catering workers are employed
LN118	Healthy Terminals Hospitality Industry (Spanish)	Optional for LaGuardia Airport, John F. Kennedy International Airport, and related locations where airline catering workers are employed
LN119	Electronic Monitoring	Required for employers who monitor electronic device or system usage

Print and Display Guidelines

If needed, the postings in this file can be printed and displayed:

- Postings are formatted according to the issuing agency's size requirements. See the Posting Requirements column (above) for those that require a specific paper size and/or colored printing
- Each posting is set up to print on 8.5" x 11" paper; some are formatted to print on multiple pages
- Review each posting and respective requirements to ensure it's applicable to your company. Contact your HR representative for details
- Display postings in employee common areas, such as a breakroom, cafeteria, employee lounge, etc.

Additional Postings that may be Required

Poster	Who Must Post?	How to Obtain?
Unemployment Insurance	All employers	Only distributed through the NY DOL, once employer has obtained and can confirm a registration number
Workers' Compensation	All employers	Upon securing of workers' compensation insurance or Board-approved self-insurance, employers must obtain this form from their insurance carrier or licensed agent.
Disability Benefits Law	All employers	Solely distributed by Insurance Carrier when employer can prove proof of Disability Insurance
Paid Family Leave	All employers	Your insurance carrier will provide you with a notice to employees (Form PFL-120) stating that you have Paid Family Leave insurance. If you are self-insured, you can get this notice by contacting the NYS Workers' Compensation Board at certificates@wcb.ny.gov .

WE ARE YOUR DOL

Attention Miscellaneous Industry Employees

Minimum Wage hourly rates effective 12/31/2021 – 12/30/2022

New York City			
Large Employers (11 or more employees)		Small Employers (10 or less employees)	
Minimum Wage	\$15.00	Minimum Wage	\$15.00
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$22.50
Tipped workers	\$15.00	Tipped workers	\$15.00
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$22.50

Long Island and Westchester County		Remainder of New York State	
Minimum Wage	\$15.00	Minimum Wage	\$13.20
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$19.80
Tipped workers	\$15.00	Tipped workers	\$13.20
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$19.80

If you have questions, need more information or want to file a complaint, please visit www.labor.ny.gov/minimumwage or call: **1-888-469-7365**.

Credits and Allowances that may reduce your pay below the minimum wage rates shown above:

- **Tips** – Beginning December 31, 2020, your employer must pay the full applicable minimum wage rate, and cannot take any tip credit.
- **Meals and lodging** – Your employer may claim a limited amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are set forth in wage orders and summaries, which are available online.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

- **Overtime** – You must be paid 1½ times your regular rate of pay (no less than amounts shown above) for weekly hours over 40 (or 44 for residential employees).
Exceptions: Overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.
- **Call-in pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

WE ARE YOUR DOL

Atención, Empleados de Industrias Diversas

Salario mínimo por hora vigente para el período comprendido entre el 12/31/2021 y el 12/30/2022

Ciudad de Nueva York			
Grandes empleadores (11 o más empleados)		Pequeños empleadores (10 o menos empleados)	
Salario mínimo	\$15.00	Salario mínimo	\$15.00
Horas extras después de las 40 horas	\$22.50	Horas extras después de las 40 horas	\$22.50
Trabajadores con propina	\$15.00	Trabajadores con propina	\$15.00
Horas extras después de las 40 horas	\$22.50	Horas extras después de las 40 horas	\$22.50

Long Island y Condado de Westchester		Resto del Estado de Nueva York	
Salario mínimo	\$15.00	Salario mínimo	\$13.20
Horas extras después de las 40 horas	\$22.50	Horas extras después de las 40 horas	\$19.80
Trabajadores con propina	\$15.00	Trabajadores con propina	\$13.20
Horas extras después de las 40 horas	\$22.50	Horas extras después de las 40 horas	\$19.80

Si tiene alguna pregunta, necesita más información o desea presentar una reclamación, visite www.labor.ny.gov/minimumwage o llame al: **1-888-469-7365**.

Créditos y subsidios que podrían hacer que el pago sea inferior a las tarifas mínimas que se muestran arriba:

- **Consejos:** A partir del 31 de diciembre de 2020, su empleador debe pagar el salario mínimo aplicable en su totalidad, y no puede aplicar un crédito por propinas.
- **Comidas y alojamiento:** el empleador podría reclamar una cantidad limitada de su salario si le provee comidas y alojamiento, siempre y cuando no le cobre un monto por adelantado por esto. Las tarifas y los requisitos se encuentran en las órdenes y en los resúmenes de salarios, los cuales están disponibles en línea.

Pagos extras que se le pudieran deber además de las tarifas mínimas que se muestran arriba:

- **Horas extras:** se le debe pagar 1½ veces la tarifa regular por hora (no menos de las tarifas de horas extras que figuran arriba) cuando se superen las 40 horas semanales (o las 44 horas para los empleados residenciales).

Excepciones: el pago de horas extras no es obligatorio para profesionales asalariados ni para ejecutivos y personal administrativo cuyo salario semanal supere 75 veces el salario mínimo.

- **Pago por disponibilidad:** si usted se presenta a trabajar en el horario estipulado y su empleador lo envía a casa más temprano, podría tener derecho al pago de horas extras a la tarifa del salario mínimo por ese día.
- **Difusión de Horas:** si el día laboral dura más de diez horas, usted podría tener derecho a un pago diario extra. La tarifa diaria equivale a una hora de pago a la tarifa del salario mínimo.
- **Mantenimiento del uniforme:** si usted lava/mantiene su propio uniforme, podría tener derecho a un pago semanal adicional. Las tarifas semanales están disponibles en línea.



Division of Human Rights

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

DISCRIMINATION BASED UPON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, PREGNANCY, GENDER IDENTITY OR EXPRESSION, DISABILITY OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW. SEXUAL HARASSMENT OR HARASSMENT BASED UPON ANY OF THESE PROTECTED CLASSES ALSO IS PROHIBITED.

ALL EMPLOYERS (until February 8, 2020, only employers with 4 or more employees are covered), EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS

Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; hairstyles associated with race (also applies to all areas listed below); prior arrest or conviction record; predisposing genetic characteristics; familial status; pregnancy-related conditions; domestic violence victim status.

Reasonable accommodations for persons with disabilities and pregnancy-related conditions including lactation 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.

Also covered: domestic workers are protected from harassment and retaliation; interns and nonemployees working in the workplace (for example temp or contract workers) are protected from all discrimination described above.

RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE, INCLUDING ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE

Also prohibited: discrimination on the basis of lawful source of income (for example housing vouchers, disability benefits, child support); familial status (families with children or being pregnant); prior arrest or sealed conviction; commercial boycotts or blockbusting

Reasonable accommodations and modifications for persons with disabilities may also be required.

1-888-392-3644
WWW.DHR.NY.GOV

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

LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK PROHÍBE LA DISCRIMINACIÓN POR EDAD, RAZA, CREDO, COLOR, ORIGEN NACIONAL, ORIENTACIÓN SEXUAL, ESTATUS MILITAR, SEXO, EMBARAZO, IDENTIDAD O EXPRESIÓN DE GÉNERO, DISCAPACIDAD O ESTADO CIVIL. TAMBIÉN ESTÁ PROHIBIDO EL ACOSO SEXUAL O EL ACOSO POR CUALQUIERA DE ESTAS CLASES PROTEGIDAS.

TODOS LOS EMPLEADORES (hasta el 8 de febrero de 2020, solo los empleadores de cuatro o más personas), AGENCIAS DE EMPLEO, ORGANIZACIONES DE TRABAJO Y PROGRAMAS DE CAPACITACIÓN DE APRENDICES

Asimismo, está prohibida la discriminación en el empleo sobre la base de la observancia del Shabat o prácticas religiosas; peinados asociados con la raza (también se aplica a las áreas enumeradas a continuación) arresto previo o antecedentes penales; las características genéticas predisponentes; el estado civil; las condiciones relacionadas con el embarazo.

Es posible que sea necesario hacer acomodos razonables para personas con discapacidades y condiciones relacionadas con el embarazo incluyendo lactación. Un arreglo razonable es una adaptación a un trabajo o entorno laboral que permita que una persona con discapacidad realice las tareas esenciales de un trabajo de manera razonable.

También están cubiertos: trabajadores domésticos están protegidos en casos acoso y represalias; internos y no empleados cuales trabajan en el lugar de trabajo (por ejemplo trabajadores temporarios o contratantes) están protegidos de toda discriminación descrita arriba.

ALQUILER, ARRENDAMIENTO O VENTA DE VIVIENDA, TERRENO O ESPACIO COMERCIAL INCLUYENDO ACTIVIDADES DE AGENTE DE BIENES RAÍCES Y VENDEDORES

También esta prohibido: la discriminación a base de fuente de ingreso legal (por ejemplo vales, beneficios de discapacidad, manutención de niños); estado familiar (familias con niños o en estado de embarazo); arresto previo o condena sellada; boicot comercial o acoso inmobiliario.

Does not apply to:

- (1) rental of an apartment in an owner-occupied two-family house
- (2) restrictions of all rooms in a housing accommodation to individuals of the same sex
- (3) rental of a room by the occupant of a house or apartment
- (4) sale, rental, or lease of accommodations of housing exclusively to persons 55 years of age or older, and the spouse of such persons

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

PLACES OF PUBLIC ACCOMMODATION SUCH AS RESTAURANTS, HOTELS, HOSPITALS AND MEDICAL OFFICES, CLUBS, PARKS AND GOVERNMENT OFFICES

Exception:

Age is not a covered classification relative to public accommodations. Reasonable accommodations for persons with disabilities may also be required.

EDUCATION INSTITUTIONS

All public schools and private nonprofit schools, at all education levels, excluding those run by religious organizations.

ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS MAY NOT EXPRESS ANY DISCRIMINATION

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 not 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. HEADQUARTERS: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

También es posible que sea necesario realizar modificaciones y arreglos razonables para personas con discapacidades.

Excepciones:

- (1) alquiler de un apartamento en una casa para dos familias ocupada por el dueño
- (2) restricciones de todas las habitaciones en una vivienda para individuos del mismo sexo
- (3) alquiler de una habitación por parte del ocupante de una casa o apartamento
- (4) venta, alquiler o arrendamiento de alojamiento en una casa exclusivamente a personas mayores de 55 años y al cónyuge de dichas personas

También se prohíbe: discriminación en vivienda sobre la base del estado civil (por ejemplo, familias con hijos).

TODAS TRANSACCIONES CREDITICIAS INCLUYENDO FINANCIAMIENTO PARA LA COMPRA, MANTENIMIENTO Y REPARACION DE VIVIENDAS

LUGARES DE ALOJAMIENTO PÚBLICO, COMO RESTAURANTES, HOTELES, HOSPITALES Y CONSULTORIOS MÉDICOS, CLUBS, PARQUES Y OFFICINAS DEL GOBIERNO.

Excepción:

La edad no es una clasificación cubierta respecto a los alojamientos públicos. Es posible que sea necesario realizar arreglos razonables para personas con discapacidades.

INSTITUCIONES EDUCATIVAS

Todas las escuelas publicas y escuelas privadas sin ánimo de lucro, en todos los niveles, excluyendo escuelas dirigidas por organizaciones religiosas.

PUBLICIDAD Y SOLICITUDES RELACIONADAS CON EL EMPLEO, LOS INMUEBLES, LOS LUGARES DE ALOJAMIENTO PÚBLICO Y LAS TRANSACCIONES CREDITICIAS NO DEBEN EXPRESAR NINGUN ACTO DISCRIMINATORIO

Si desea presentar una demanda formal ante la División de Derechos Humanos, debe hacerlo dentro de un año desde que ocurra la discriminación. Los servicios de la División se ofrecen sin cargo.

Si desea presentar una demanda ante el Tribunal Estatal, puede hacerlo dentro de los tres años desde que ocurriera la discriminación. No puede presentar una demanda ante la División y ante el Tribunal Estatal.

Se prohíben las represalias por presentar una demanda u oponerse a prácticas discriminatorias. Puede presentar una demanda ante la División si sufrió represalias.

PARA OBTENER MÁS INFORMACIÓN, ESCRIBA O LLAME A LA OFICINA MÁS CERCANA DE LA DIVISIÓN. OFICINA CENTRAL: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

Summary of New York State Child Labor Law, Permitted Working Hours for Minors Under 18 Years of Age

Age of Minor Girls and Boys		Industry or Occupation	Maximum			Permitted Hours
			Daily Hours	Weekly Hours	Days per Week	
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 ¹	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: Monday, Tuesday, Wednesday, Thursday ² . 8 hours on: Friday, Saturday, Sunday and Holidays. ⁴ .	28 ⁴	6 ⁴	6 AM to 10 PM ³
Attending School, When school is not in session (vacation):	14 and 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 ⁴	48 ⁴	6 ⁴	6 AM to Midnight ⁴
Not Attending School:	16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours ⁴	48 ⁴	6 ⁴	6 AM to Midnight ⁴
Farm Work:	12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours	--	--	June 21 to Labor Day, 7 AM to 7 PM. Day after Labor Day to June 20, 9 AM to 4 PM.
	14 to 18	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

¹ 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.

² 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.

³ 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.

⁴ This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

Additional Child Labor Law Information

The Employer must post a schedule of work hours for minors under 18 years old in the establishment.

An Employment Certificate (Working Paper) is required for all employed minors under 18 years old.

Penalties for Child Labor Laws violations:

- First violation: maximum \$1,000*
- Second violation: maximum \$2,000*
- Third or more violations: maximum \$3,000*

*If a minor is seriously injured or dies while illegally employed, the penalty is three times the maximum penalty.

Also, Section 14A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.

Note: There are many prohibited occupations for minors in New York State.

For more information about New York State Child Labor Laws and provisions please visit the Department of Labor's website at <http://www.labor.ny.gov>. If you have questions, please send them to one of the offices listed below at:

New York State Department of Labor, Division of Labor Standards:

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

Rochester
Sub-District
276 Waring Road
Room 104
Rochester, NY 14609
(585) 258-4550

Buffalo District
290 Main Street
Room 226
Buffalo, NY 14202
(716) 847-7141

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

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

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

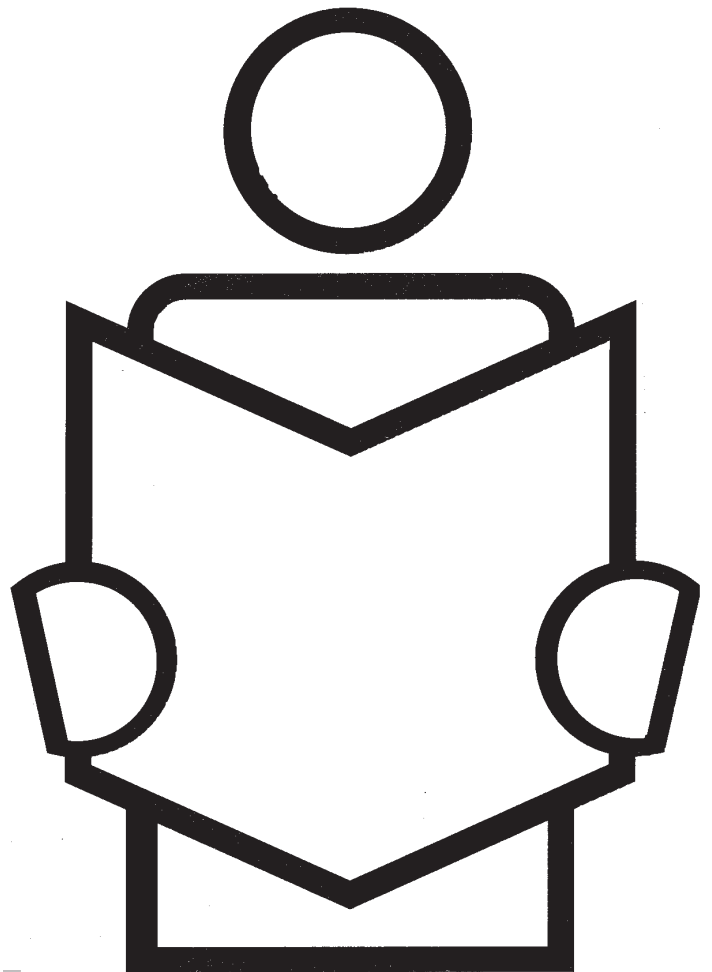
New York City District
75 Varick Street
7th Floor
New York, NY 10013
(212) 775-3880

YOU HAVE A RIGHT TO KNOW!

**Your employer must inform
you of the health
effects and hazards
of toxic substances
at your
worksite.**

**Learn all
you can
about toxic
substances
on your job.**

**For more
information,
contact:**



Name

Location & Phone Number

THE RIGHT TO KNOW LAW WORKS FOR YOU.
NEW YORK STATE DEPARTMENT OF HEALTH

Public Employees Job Safety & Health Protection

The New York State Public Employee Safety and Health Act of 1980 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

Employers

Employers must provide employees with a workplace that is:

- free from recognized hazards,
- in compliance with the safety and health standards that apply to the workplace, and
- in compliance with any other regulations issued under the PESH Act by the Commissioner of Labor.

Employees

Employees must comply with all safety and health standards that apply to their actions on the job. Employees must also comply with any regulations issued under the PESH Act that apply to their job.

Enforcement

The New York State Department of Labor administers and enforces the PESH Act. The Commissioner of Labor issues safety and health standards. The Department's Division of Safety and Health (DOSHS) has Inspectors and Hygienists who inspect workplaces to make sure they are following the PESH Act.

Inspection

When DOSHS staff inspect a workplace, a representative of the employer and a representative approved by the employees must be allowed to help with the inspection. When there is no employee-approved representative, DOSHS staff must speak with a fair number of employees about the safety and health conditions in the workplace.

Order to Comply

If the Department believes an employer has violated the PESH Act, we will issue an order to comply notice to the employer. The order will list dates by which each violation must be fixed. If violations are not fixed by those dates, the employer may be fined.

The order to comply must be posted at or near the place of violation, where it can be easily seen. This is to warn employees that a danger may exist.

Complaint

Any interested person may file a complaint if they believe there are unsafe or unhealthful conditions in a public workplace. This includes:

- An employee
- A representative of an employee
- Groups of employees
- A representative of a group of employees

Make this complaint in writing to the nearest DOSHS office or by email to: Ask.SHNYPESH@labor.ny.gov. On request, DOSHS will not release the names of any employees who file a complaint. The Department of Labor will evaluate each complaint. The Department will notify the person who made the complaint of the results of the investigation.

These complaints may also be made to the United States Department of Labor, Occupational Safety and Health Administration online at: www.osha.gov.

Discrimination

Employees may not be fired or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

If an employee believes that they have been discriminated against, he or she may file a complaint with the nearest DOSHS office. File this complaint within 30 days of the discrimination incident.

Voluntary Activity

The Department of Labor encourages employers and employees to voluntarily:

- reduce workplace hazards, and
- develop and improve safety and health programs in all workplaces.

The Division of Safety and Health can provide free help with identifying and correcting job site hazards. Employers may request this assistance on a voluntary basis by emailing: Ask.SHNYPESH@labor.ny.gov.

Additional information may be obtained from the nearest DOSHS District Office below:

Albany District

State Office Campus
Bldg. 12, Rm. 158
Albany, NY 12240
Tel: (518) 457-5508

Binghamton District

44 Hawley St., Rm. 901
Binghamton, NY 13901
Tel: (607) 721-8211

Buffalo District

65 Court Street
Buffalo, NY 14202
Tel: (716) 847-7133

Garden City District

400 Oak Street
Garden City, NY 11550
Tel: (516) 228-3970

New York City District

75 Varick St., 7th Floor
New York, NY 10013
Tel: (212) 775-3554

Rochester District

109 S. Union St., Rm. 402
Rochester, NY 14607
Tel: (585) 258-8806

Syracuse District

450 South Salina Street
Syracuse, NY 13202
Tel: (315) 479-3212

Utica District

207 Genesee Street
Utica, NY 13501
Tel: (315) 793-2258

White Plains District

120 Bloomingdale Road
White Plains, NY 10605
Tel: (914) 997-9514

Post Conspicuously

A Division of the New York State Department of Labor



NO SMOKING
NO VAPING

New York State Public Health Law - Article 13E

SMOKING PERMITTED

New York State Public Health Law - Article 13E

STATE OF NEW YORK

NOTICE TO EMPLOYEES

STANDARDS FOR PROTECTION AGAINST RADIATION



YOUR EMPLOYER'S RESPONSIBILITY

The transfer, receipt, possession or use of all sources of ionizing radiation in the State of New York is controlled by the applicable rules, regulations and orders of either the New York State Department of Health or the New York City Department of Health and Mental Hygiene. These agencies require either the registration or licensing of all significant radiation sources, and they require your employer to post or otherwise make available to you a copy of the applicable regulations, license and registration and the operating procedures applying to the work in which you are engaged and to explain relevant provisions to you. The applicable regulations for this installation are found in Part 16 of the New York State Sanitary Code and Code Rule 38 of the New York State Industrial Code.

YOUR RESPONSIBILITY AS A WORKER

You should familiarize yourself with the provisions of Part 16, Code Rule 38, the license or registration and the operating procedures, which apply to the work in which you are engaged. You should observe these provisions for your own protection and the protection of your co-workers.

WHAT IS COVERED BY THESE REGULATIONS

1. Limits on exposure to radiation and radioactive material in controlled and uncontrolled areas;
2. Measures to be taken after accidental exposure;
3. Personnel monitoring, surveys and equipment;
4. Caution signs, labels and safety interlock equipment;
5. Exposure records and reports; and
6. Related matters.

REPORTS ON YOUR EXPOSURE TO RADIATION

If you work where personnel monitoring equipment is required, your employer is required to provide you, upon request, a written report of your exposure to radiation both annually and at the time that you terminate employment. Your employer is required to give you a written report if you receive any exposure in excess of the limits set for occupational exposure.

INSPECTIONS

All activities licensed or registered with the regulatory agencies in the State of New York are subject to inspection by representatives from these agencies.

INQUIRIES

Inquiries dealing with matters outlined above can be directed to:

Bureau of Environmental Radiation Protection New
York State Department of Health
Corning Tower, Empire State Plaza, 12th Floor
Albany, NY 12237
(518) 402-7550
BERP@health.ny.gov

POSTING REQUIREMENT

Copies of this notice must be posted where employees working in or frequenting any portion of controlled areas can observe a copy on the way to or from their place of employment. Copies of Part 16, Code Rule 38 and other applicable documents, if not posted, are available for review at the following location:

ATTENTION ALL EMPLOYEES
TIME ALLOWED EMPLOYEES TO VOTE ON ELECTION DAY
N.Y. ELECTION LAW SECTION 3-110¹ STATES THAT:

- IF YOU DO NOT HAVE 4 CONSECUTIVE HOURS TO VOTE, EITHER FROM THE OPENING OF THE POLLS TO THE BEGINNING OF YOUR WORKING SHIFT, OR BETWEEN THE END OF YOUR WORKING SHIFT AND THE CLOSING OF THE POLLS, YOU MAY TAKE OFF UP TO 2 HOURS, WITHOUT LOSS OF PAY, TO ALLOW YOU TIME TO VOTE IF YOU ARE A REGISTERED VOTER.
- YOU MAY TAKE TIME OFF AT THE BEGINNING OR END OF YOUR WORKING SHIFT, AS YOUR EMPLOYER MAY DESIGNATE, UNLESS OTHERWISE MUTUALLY AGREED.
- YOU MUST NOTIFY YOUR EMPLOYER NOT LESS THAN 2 DAYS, BUT NOT MORE THAN 10 DAYS, BEFORE THE DAY OF THE ELECTION THAT YOU WILL TAKE TIME OFF TO VOTE.

Revised 4.14.2020

¹Employers: Not less than ten working days before any Election Day, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this law. Such notice shall be kept posted until the close of the polls on Election Day.

NOTICE REQUIREMENT 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 public posting the employer's policy on sick leave, vacation, personal leave, holidays and hours."

Written Information Regarding

Fringe Benefits and Hours Are Located At

Location(s)

Supervisor(s)

Deductions from Wages

Section 193 of the New York State Labor Law

§ 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 including regulations promulgated under paragraph c and paragraph d of this subdivision; or
 - b) are expressly authorized in writing by the employee and are for the benefit of the employee, provided that such authorization is voluntary and only given following receipt by the employee of written notice of all terms and conditions of the payment and/or its benefits and the details of the manner in which deductions will be made. Whenever there is a substantial change in the terms or conditions of the payment, including but not limited to, any change in the amount of the deduction, or a substantial change in the benefits of the deduction or the details in the manner in which deductions shall be made, the employer shall, as soon as practicable, but in each case before any increased deduction is made on the employee's behalf, notify the employee prior to the implementation of the change. Such authorization shall be kept on file on the employer's premises for the period during which the employee is employed by the employer and for six years after such employment ends. Notwithstanding the foregoing, employee authorization for deductions under this section may also be provided to the employer pursuant to the terms of a collective bargaining agreement. Such authorized deductions shall be limited to payments for:
 - (i) insurance premiums and prepaid legal plans;
 - (ii) pension or health and welfare benefits;
 - (iii) contributions to a bona fide charitable organization;
 - (iv) purchases made at events sponsored by a bona fide charitable organization affiliated with the employer where at least twenty percent of the profits from such event are being contributed to a bona fide charitable organization;
 - (v) United States bonds;
 - (vi) dues or assessments to a labor organization;
 - (vii) discounted parking or discounted passes, tokens, fare cards, vouchers, or other items that entitle the employee to use mass transit;
 - (viii) fitness center, health club, and/or gym membership dues;
 - (ix) cafeteria and vending machine purchases made at the employer's place of business and purchases made at gift shops operated by the employer, where the employer is a hospital, college, or university;
 - (x) pharmacy purchases made at the employer's place of business;
 - (xi) tuition, room, board, and fees for pre-school, nursery, primary, secondary, and/or post-secondary educational institutions;
 - (xii) day care, before-school and after-school care expenses;
 - (xiii) payments for housing provided at no more than market rates by non-profit hospitals or affiliates thereof; and
 - (xiv) similar payments for the benefit of the employee.
 - c) are related to recovery of an overpayment of wages where such overpayment is due to a mathematical or other clerical error by the employer. In making such recoveries, the employer shall comply with regulations promulgated by the commissioner for this purpose, which regulations shall include, but not be limited to, provisions governing: the size of overpayments that may be covered by this section; the timing, frequency, duration, and method of such recovery; limitations on the periodic amount of such recovery; a requirement that notice be provided to the employee prior to the commencement of such recovery; a requirement that the employer implement a procedure for disputing the amount of such overpayment or seeking to delay commencement of such recovery; the terms and content of such a procedure and a requirement that notice of the procedure for disputing the overpayment or seeking to delay commencement of such recovery be provided to the employee prior to the commencement of such recovery.
 - d) repayment of advances of salary or wages made by the employer to the employee. Deductions to cover such repayments shall be made in accordance with regulations promulgated by the commissioner for this purpose, which regulations shall include, but not be limited to, provisions governing: the timing, frequency, duration, and method of such repayment; limitations on the periodic amount of such repayment; a requirement that notice be provided to the employee prior to the commencement of such repayment; a requirement that the employer implement a procedure for disputing the amount of such repayment or seeking to delay commencement of such repayment; the terms and content of such a procedure and a requirement that notice of the procedure for disputing the repayment or seeking to delay commencement of such repayment be provided to the employee at the time the loan is made.
- 2. Deductions made in conjunction with an employer sponsored pre-tax contribution plan approved by the IRS or other local taxing authority, including those falling within one or more of the categories set forth in paragraph b of subdivision one of this section, shall be considered to have been made in accordance with paragraph a of subdivision one of this section.**

3. a. 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 or is permitted or required under any provision of a current collective bargaining agreement.
- b. Notwithstanding the existence of employee authorization to make deductions in accordance with subparagraphs (iv), (ix), and (x) of paragraph b of subdivision one of this section and deductions determined by the commissioner to be similar to such deductions in accordance with subparagraph (xiv) of paragraph b of subdivision one of this section, the total aggregate amount of such deductions for each pay period shall be subject to the following limitations: (i) such aggregate amount shall not exceed a maximum aggregate limit established by the employer for each pay period; (ii) such aggregate amount shall not exceed a maximum aggregate limit established by the employee, which limit may be any amount (in ten dollar increments) up to the maximum amount established by the employer under subparagraph (i) of this paragraph; (iii) the employer shall not permit any purchases within these categories of deduction by the employee that exceed the aggregate limit established by the employee or, if no limit has been set by the employee, the limit set by the employer; (iv) the employee shall have access within the workplace to current account information detailing individual expenditures within these categories of deduction and a running total of the amount that will be deducted from the employee's pay during the next applicable pay period. Information shall be available in printed form or capable of being printed should the employee wish to obtain a listing. No employee may be charged any fee, directly or indirectly, for access to, or printing of, such account information.
- c. With the exception of wage deductions required or authorized in a current existing collective bargaining agreement, an employee's authorization for any and all wage deductions may be revoked in writing at any time. The employer must cease the wage deduction for which the employee has revoked authorization as soon as practicable, and, in no event more than four pay periods or eight weeks after the authorization has been withdrawn, whichever is sooner.
4. Nothing in this section shall justify noncompliance with article three-A of the personal property law relating to assignment of earnings, with section two hundred twenty-one of this chapter relating to company stores or with any other law applicable to deductions from wages.

For more information, call or write the nearest office of the Division of Labor Standards:

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

Buffalo District
290 Main Street
Room 226
Buffalo, NY 14202
(716) 847-7141

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

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

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

Rochester
Sub-District
276 Waring Road
Room 104
Rochester, NY 14609
(585) 258-4550

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

TIP APPROPRIATION

SECTION 196-d OF THE NEW YORK STATE LABOR LAW

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.

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

New York City District

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

Garden City District

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

White Plains District

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

Buffalo District

290 Main Street
Room 226
Buffalo, NY 14202
(716) 847-7141

Rochester

Sub-District
276 Waring Road
Room 104
Rochester, NY 14609
(585) 258-4550

Syracuse District

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

**NEW YORK CORRECTION LAW
ARTICLE 23-A**

**LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES**

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

§750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption. 1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement. 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.



Required Notice under Article 25-B of the Labor Law

**ATTENTION ALL EMPLOYEES, CONTRACTORS AND SUBCONTRACTORS:
YOU ARE COVERED BY THE CONSTRUCTION INDUSTRY FAIR PLAY ACT**

The law says that you are an employee unless:

- You are free from direction and control in performing your job, **and**
- You perform work that is not part of the usual work done by the business that hired you, **and**
- You have an independently established business.

Your employer cannot consider you to be an independent contractor unless all three of these facts apply to your work.

It is against the law for an employer to misclassify employees as independent contractors or pay employees off the books.

Employee Rights. If you are an employee, you are entitled to state and federal worker protections. These include:

- Unemployment Insurance benefits, if you are unemployed through no fault of your own, able to work, and otherwise qualified,
- Workers' compensation benefits for on-the-job injuries,
- Payment for wages earned, minimum wage, and overtime (under certain conditions),
- Prevailing wages on public work projects,
- The provisions of the National Labor Relations Act, and
- A safe work environment.

It is a violation of this law for employers to retaliate against anyone who asserts their rights under the law. Retaliation subjects an employer to civil penalties, a private lawsuit or both.

Independent Contractors: If you are an independent contractor, **you must pay all taxes and Unemployment Insurance contributions required by New York State and Federal Law.**

Penalties for paying off the books or improperly treating employees as independent contractors:

- **Civil Penalty** First Offense: up to \$2,500 per employee.
Subsequent Offense(s): up to \$5,000 per employee.
- **Criminal Penalty** First Offense: Misdemeanor - up to 30 days in jail, up to a \$25,000 fine and debarment from performing Public Work for up to one year.
Subsequent Offense(s): Misdemeanor - up to 60 days in jail, up to a \$50,000 fine and debarment from performing Public Work for up to 5 years.

If you have questions about your employment status or believe that your employer may have violated your rights and you want to file a complaint, call the Department of Labor at (866) 435-1499 or send an email to dol.misclassified@labor.ny.gov. All complaints of fraud and violations are taken seriously. You can remain anonymous.

Employer Name:



Aviso obligatorio en virtud del artículo 25-B del derecho laboral

**Atención a todos los empleados, contratistas y subcontratistas:
Usted está cubierto por la Construction Industry Fair Play Act
(Ley de Actividad Justa de la Industria de la Construcción).**

La ley dice que usted es empleado, a menos que:

- usted no esté sujeto a dirección y control al realizar su trabajo; y
- usted realice trabajos que no son parte del trabajo habitual realizado por la empresa que lo contrató; y
- usted tenga una empresa independiente.

Su empleador no puede considerarlo contratista independiente, a menos que estos tres hechos se apliquen a su trabajo.

Es ilegal que un empleador clasifique incorrectamente a los empleados como contratistas independientes o que pague a los empleados extraoficialmente.

Derechos de los empleados: si usted es empleado, tiene derecho a las protecciones estatales y federales de los trabajadores. Estas incluyen lo siguiente:

- Beneficios del Seguro de desempleo (Unemployment Insurance) si está desempleado por motivos ajenos a su voluntad, puede trabajar y está calificado.
- Beneficios de Compensación del trabajador (Workers' Compensation) para las lesiones sufridas en el trabajo.
- Pago de los salarios ganados, del salario mínimo y de las horas extra (bajo ciertas condiciones).
- Salarios predominantes en proyectos de obras públicas.
- Las disposiciones de la National Labor Relations Act (Ley Nacional de Relaciones Laborales).
- Un ambiente de trabajo seguro.

Constituye una violación de esta ley que los empleadores tomen represalias contra las personas que ejerzan sus derechos en virtud de la ley. Las represalias someten a un empleador a sanciones civiles, a un juicio privado o a ambos.

Contratistas independientes: si usted es contratista independiente, debe pagar todos los impuestos y todas las contribuciones del Seguro de desempleo exigidos por la ley del estado de Nueva York y la ley federal.

Sanciones por pagar extraoficialmente a los trabajadores o tratar incorrectamente a los empleados como contratistas independientes:

- **Sanción civil**
Primera infracción: multa de hasta \$2,500 por empleado

Infracción(es) posterior(es): multa de hasta \$5,000 por empleado
- **Sanción penal**
Primera infracción: en caso de delito menor, hasta 30 días de prisión o hasta \$25,000 de multa e inhabilitación para realizar obras públicas hasta por un año.

Infracción(es) posterior(es): Infracción(es) posterior(es): en caso de delito menor, hasta 60 días de prisión o hasta \$50,000 de multa e inhabilitación para realizar obras públicas hasta por 5 años.

Si tiene preguntas sobre su condición laboral o cree que su empleador pudo haber violado sus derechos y desea presentar una denuncia, comuníquese con el Departamento de Trabajo (Department of Labor) llamando al (866) 435-1499 o envíe un correo electrónico a dol.misclassified@labor.ny.gov. Todas las denuncias de fraude e infracciones se toman en serio. Puede mantener el anonimato.

Nombre del empleador:

IA 999S (09/16)

Attention Farm Workers

Minimum Wage hourly rates effective 12/31/2021 – 12/30/2022

New York City

All Employers

Minimum Wage

\$15.00

Overtime after 60 hours \$22.50*

Long Island and Westchester County

Minimum Wage \$15.00
Overtime after 60 hours \$22.50*

Remainder of New York State

Minimum Wage \$13.20
Overtime after 60 hours \$19.80*

If you have questions, need more information or want to file a complaint, please visit www.labor.ny.gov/minimumwage or call:

(888) 469-7365.

Credits and Allowances that may reduce your pay below the minimum wage rates shown above:

- **Meals and lodging** – Your employer may claim a limited amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are in wage orders and summaries, which are available online.

Exception: Employers may not claim any of your wages for lodging if you are a migrant seasonal worker.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

- **Overtime** – You must be paid 1 1/2 times your regular rate of pay (no less than the overtime amounts shown above) for hours worked over 60 in a calendar week and/or for any hours worked on your day of rest.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.
- **Federal Law** – If you are an employee covered under the federal Fair Labor Standards Act, you must be paid according to state law and also according to higher federal requirements, if they apply.

Atención trabajadores agrícolas

Tarifas por hora para el salario mínimo con vigencia del 31 de diciembre de 2021 al 30 de diciembre de 2022

New York Ciudad

Todos los empleadores

Salario mínimo

\$15.00

Horas extras después de las 60 horas \$22.50*

Condados de Long Island y Westchester

Salario mínimo \$15.00

Horas extras después de las 60 horas \$22.50*

Recordatorio del Estado de New York

Salario mínimo \$13.20

Horas extras después de las 60 horas \$19.80*

Si tiene preguntas, necesita más información o desea presentar una queja, visite www.labor.ny.gov/minimumwage o llame al:

(888) 469-7365.

Créditos y asignaciones que pueden reducir su salario por debajo de los salarios mínimos que se muestran arriba:

- **Comidas y alojamiento:** su empleador puede reclamar una cantidad limitada de su salario por las comidas y el alojamiento que le proporcionan, siempre que no le cobren nada más. Las tarifas y los requisitos están en las ordenanzas y resúmenes sobre el salario, que están disponibles en línea.

Excepción: los empleadores no pueden reclamar ninguno de sus salarios por alojamiento si usted es un trabajador migratorio estacional.

Pago adicional que se le puede adeudar además de las tasas de salario mínimo que se muestran arriba:

- **Horas extras:** Se le debe pagar 1 1/2 veces su tarifa de pago regular (no menos que las cantidades de horas extras que se muestran arriba) por las horas trabajadas que superen las 60 horas en una semana calendario y/o por las horas trabajadas en su día de descanso.
- **Mantenimiento de uniformes:** si limpia su propio uniforme, puede tener derecho a un pago semanal adicional. Las tarifas semanales se encuentran disponibles en línea.
- **Ley federal:** si es un empleado amparado por la Ley federal de normas laborales justas, se le debe pagar de acuerdo con la ley estatal y también de acuerdo con los requisitos federales más altos, si corresponde.



Attention Employees

THIS IS A: **PUBLIC WORK PROJECT**

If you are employed on this project as a **worker, laborer, or mechanic** you are entitled to receive the **prevailing wage and supplements rate** for the classification at which you are working.

Your pay stub and wage notice received upon hire must clearly state your wage rate and supplement rate.

Chapter 629 of
the Labor Laws
of 2007:

These wages are set by law and must be posted at the work site. They can also be found at:

www.labor.ny.gov/prevailingwage

If you feel that you have not received proper wages or benefits,
please call our nearest office.

Albany	(518) 457-2744	Patchogue	(631) 687-4886
Binghamton	(607) 721-8005	Rochester	(585) 258-4505
Buffalo	(716) 847-7159	Syracuse	(315) 428-4056
Garden City	(516) 228-3915	Utica	(315) 793-2314
New York City	(212) 775-3568	White Plains	(914) 997-9507
Newburgh	(845) 568-5398		

* For New York City government agency construction projects, please
contact the Office of the NYC Comptroller at (212) 669-4443, or
www.comptroller.nyc.gov – click on Bureau of Labor Law.

Contractor Name: _____

Project Location: _____



Department of Labor

Required Notice under Article 25-C of the Labor Law

Attention All Drivers of Commercial Vehicles: If You Transport Goods, You are Covered by the Commercial Goods Transportation Industry Fair Play Act

The law says that you are an employee unless:

- Payment for your services is reported on a federal income tax form 1099, if required by law
- **And either:**
 - You are a separate business entity as defined by law, or
 - You are free from direction and control in performing your job,
 - You are performing work that is not part of the usual work done by the business that hired you, **and**
 - You have an independently established business.

It is against the law for an employer to misclassify employees as independent contractors or pay employees off the books.

Employee Rights: If you are an employee, you are entitled to state and federal worker protections. These include:

- Unemployment Insurance benefits, if you are unemployed through no fault of your own, able to work and otherwise qualified,
- Workers' Compensation benefits for on-the-job injuries,
- Payment for wages earned, minimum wage and overtime (under certain conditions),
- Prevailing wages on public work projects,
- The provisions of the National Labor Relations Act, and
- A safe work environment

It is a violation of the law for employers to retaliate against anyone who asserts their rights under the law. Retaliation subjects an employer to civil penalties, a private lawsuit or both.

Independent Contractors: If you are an independent contractor, **you must pay all taxes and Unemployment Insurance contributions required by New York State and federal Law.**

Penalties for paying workers off the books or improperly treating employees as independent contractors:

- **Civil Penalty**
 - First offense: Up to \$2,500 per employee
 - Subsequent offense(s): Up to \$5,000 per employee
- **Criminal Penalty**
 - First offense: Misdemeanor - up to 30 days in jail or up to a \$25,000 fine and debarment from performing public work for up to one year.
 - Subsequent offense(s): Misdemeanor - up to 60 days in jail or up to a \$50,000 fine and debarment from performing public work for up to five years.

If you have questions about your employment status or believe that your employer may have violated your rights and you want to file a complaint, call the Department of Labor at 1(866) 435-1499 or send an email to dol.misclassified@labor.ny.gov. All complaints of fraud and violations are taken seriously. You can remain anonymous.

Employer Name:

IA 998 (09/16)

**ATENCIÓN A TODOS LOS CONDUCTORES DE VEHÍCULOS COMERCIALES
SI USTED TRANSPORTA BIENES, ESTÁ CUBIERTO POR LA
COMMERCIAL GOODS TRANSPORTATION INDUSTRY FAIR PLAY ACT
(LEY DE EQUIDAD PARA LA INDUSTRIA DE TRANSPORTE DE BIENES COMERCIALES)**

La ley establece que usted es un empleado **a menos que:**

- El pago de sus servicios se reporta en un formulario 1099 de declaración federal de impuesto sobre la renta, si lo requiere la ley,
- Y SI:
 - Usted es una entidad comercial individual, de acuerdo a lo que define la ley.
 - Si no está bajo la dirección o el control de alguna persona cuando realiza su trabajo;
 - Si usted realiza un trabajo distinto al que realiza normalmente para la empresa que lo contrató; y
 - Usted posee una empresa establecida de forma independiente.

ES ILEGAL QUE UN EMPLEADOR CLASIFIQUE EQUIVOCADAMENTE A LOS EMPLEADOS COMO CONTRATISTAS INDEPENDIENTES O QUE NO INCLUYA A SUS EMPLEADOS DENTRO DE SU PLANILLA.

Derechos de los empleados: Si usted es un empleado, tiene derecho a ciertas protecciones laborales, estatales y federales, como por ejemplo:

- Beneficios de seguro por desempleo, si está desempleado sin que sea su culpa, si no puede trabajar o si califica por cualquier otra causa;
- Beneficios de compensación a los trabajadores por lesiones en el trabajo;
- Pago de salarios devengados, salario mínimo y pago por tiempo de trabajo adicional (bajo ciertas condiciones);
- Salarios vigentes en proyectos de trabajos públicos;
- Las disposiciones de la National Labor Relations Act (Ley Nacional de Relaciones Laborales) y
- Un ambiente seguro de trabajo.

Un empleador infringe la ley si toma represalias en contra de un empleado que hace valer sus derechos. Si un empleador toma represalias queda sujeto a resarcir la responsabilidad civil, a un juicio privado o a ambas.

Contratistas independientes: Si usted es un contratista independiente, deberá pagar todos los impuestos y las contribuciones del Seguro de desempleo que requiere la ley federal y la ley del estado de Nueva York.

Las sanciones por no incluir a los trabajadores dentro de la planilla o por darles trato de contratistas independientes, sin serlo, son:

- **Responsabilidad civil** Primera ofensa: Hasta \$2,500 por empleado
Ofensa(s) siguiente(s): Hasta \$5,000 por empleado
- **Responsabilidad penal** Primera ofensa: Delito menor- hasta 30 días en la cárcel o una multa de hasta \$25,000 y la prohibición de ejercer cargos públicos hasta por un año. Ofensa(s) siguiente(s): Delito menor- hasta 60 días en la cárcel o una multa de hasta \$50,000 y la prohibición de ejercer cargos públicos hasta por cinco años.

Si usted tiene preguntas acerca de su condición de empleado o cree que su empleador pudo haber violado sus derechos y desea hacer una denuncia, llame al Departamento de Trabajo al 1(866) 435-1499 o envíe un correo electrónico a dol.misclassified@labor.ny.gov. Todas las denuncias de fraude o infracción a esta ley serán tomadas con seriedad. Su identidad permanecerá anónima.

Nombre del empleador:

WE ARE YOUR DOL



Department
of Labor

A proud partner of the American Job Center network

BILL OF RIGHTS FOR NAIL WORKERS

MINIMUM WAGE:

You **MUST** be paid for **EVERY** hour you work, including overtime, even if you are paid on “commission” or are not experienced.

THESE ARE YOUR RIGHTS REGARDLESS OF IMMIGRATION STATUS

If you do not have a license, you should obtain a nail trainee license, which you can do for free. Please contact the hotline to learn more.

CALL FOR INFORMATION OR HELP:
(888) 469-7365

EMPLOYERS SHOULD NEVER:

- Take your tips or wages
- Pay you less than minimum wage
- Make you pay for a job or training, as punishment or any other reason
- Deny you a meal break
- Deny your right to wear a mask and/or gloves
- Punish you in **ANY** way for complaining about your wages or working conditions

FOR YOUR SAFETY, OWNERS MUST PROVIDE TO WORKERS:

- A respirator (special mask) for use when buffing/filing artificial nails or when using artificial nail powder
- Gloves for use when handling chemicals or waste, during cleanup, and when performing any service that could break a customer’s skin
- Eye protection for use when preparing, transferring, or pouring chemicals

Location	First 40 hours per week, at least:	After 40 hours per week, at least:
New York City	\$15.00/hour	\$22.50/hour
Long Island and Westchester County	\$15.00/hour	\$22.50/hour
Remainder of New York State	\$13.20/hour	\$19.80/hour

WE ARE YOUR DOL



Attention Hospitality Industry Employees

Minimum Wage hourly rates effective 12/31/2021 – 12/30/2022

New York City			
Large Employers (11 or more employees)		Small Employers (10 or less employees)	
Minimum Wage \$15.00		Minimum Wage \$15.00	
Overtime after 40 hours \$22.50		Overtime after 40 hours \$22.50	
Fast Food Worker	\$15.00	Fast Food Worker	\$15.00
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$22.50
*Service Employee	\$12.50	*Service Employee	\$12.50
Overtime after 40 hours	\$20.00	Overtime after 40 hours	\$20.00
Resort – minimum tips	\$8.40	Resort – minimum tips	\$8.40
Others – minimum tips	\$3.25	Others – minimum tips	\$3.25
*Food Service Worker	\$10.00	*Food Service Worker	\$10.00
Overtime after 40 hours	\$17.50	Overtime after 40 hours	\$17.50

Long Island and Westchester County		Remainder of New York State	
Minimum Wage \$15.00		Minimum Wage \$13.20	
Overtime after 40 hours \$22.50		Overtime after 40 hours \$19.80	
Fast Food Worker	\$15.00	Fast Food Worker	\$15.00
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$22.50
*Service Employee	\$12.50	*Service Employee	\$11.00
Overtime after 40 hours	\$20.00	Overtime after 40 hours	\$17.60
Resort – minimum tips	\$8.40	Resort – minimum tips	\$7.40
Others – minimum tips	\$3.25	Others – minimum tips	\$2.85
*Food Service Worker	\$10.00	*Food Service Worker	\$8.80
Overtime after 40 hours	\$17.50	Overtime after 40 hours	\$15.40

If you have questions or want to file a complaint, visit www.labor.ny.gov/minimumwage or call: 1-888-469-7365.

Credits and Allowances that may reduce your pay below the minimum wage rates shown above:

- **Tips** – Your employer may use a limited amount of your tips to reduce your wages. This is called a tip credit. Your employer may take a tip credit only if your tips plus wages add up to at least the minimum wage. They must still pay at least the *wage rates shown above.

Exceptions: No tip credit can be taken from any fast food workers, including delivery, or for service employees whose weekly tips average less than the minimum hourly amounts shown above. The tip credit amount is the same for overtime hours.

- **Meals and lodging** – Your employer may take a limited amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are set forth in wage orders and summaries, which are available online.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

- **Hourly rate and overtime** – You must be paid by the hour (not a salary or day rate). You must also be paid 1½ times your regular rate of pay (no less than amounts shown above) for weekly hours over 40 (or 44 for residential employees).

Exceptions: An hourly rate and overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.

- **Call-in pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

WE ARE YOUR DOL



Atención, empleados de la industria de la hostelería

Salario mínimo por hora vigente para el período comprendido entre el 12/31/2021 y el 12/30/2022

Ciudad de Nueva York

Grandes empleadores (11 o más empleados)		Pequeños empleadores (10 o menos empleados)	
Salario mínimo \$15.00		Salario mínimo \$15.00	
Horas extras después de las 40 horas \$22.50		Horas extras después de las 40 horas \$22.50	
Trabajador de restaurante de comida rápida	\$15.00	Trabajador de restaurante de comida rápida	\$15.00
Horas extras después de las 40 horas	\$22.50	Horas extras después de las 40 horas	\$22.50
*Empleado de servicios	\$12.50	*Empleado de servicios	\$12.50
Horas extras después de las 40 horas	\$20.00	Horas extras después de las 40 horas	\$20.00
Complejo turístico: propinas mínimas	\$8.40	Complejo turístico: propinas mínimas	\$8.40
Otros: propinas mínimas	\$3.25	Otros: propinas mínimas	\$3.25
*Trabajador de servicios de alimentos	\$10.00	*Trabajador de servicios de alimentos	\$10.00
Horas extras después de las 40 horas	\$17.50	Horas extras después de las 40 horas	\$17.50

Long Island y Condado de Westchester

Salario mínimo \$15.00	
Horas extras después de las 40 horas \$22.50	
Trabajador de restaurante de comida rápida	\$15.00
Horas extras después de las 40 horas	\$22.50
*Empleado de servicios	\$12.50
Horas extras después de las 40 horas	\$20.00
Complejo turístico: propinas mínimas	\$8.40
Otros: propinas mínimas	\$3.25
*Trabajador de servicios de alimentos	\$10.00
Horas extras después de las 40 horas	\$17.50

Resto del Estado de Nueva York

Salario mínimo \$13.20	
Horas extras después de las 40 horas \$19.80	
Trabajador de restaurante de comida rápida	\$15.00
Horas extras después de las 40 horas	\$22.50
*Empleado de servicios	\$11.00
Horas extras después de las 40 horas	\$17.60
Complejo turístico: propinas mínimas	\$7.40
Otros: propinas mínimas	\$2.85
*Trabajador de servicios de alimentos	\$8.80
Horas extras después de las 40 horas	\$15.40

Si tiene alguna pregunta, necesita más información o desea presentar una reclamación, visite www.labor.ny.gov/minimumwage o llame al: **1-888-469-7365**.

Créditos y subsidios que podrían hacer que el pago sea inferior a las tarifas mínimas que se muestran arriba:

- **Propinas:** el empleador puede utilizar una cantidad limitada de sus propinas para reducir su salario. Esto se denomina crédito por propinas. Su empleador puede tomar un crédito por propinas solo si sus propinas más su salario suman al menos el salario mínimo. De todas maneras, aún debe pagarle al menos las tarifas mostradas arriba.

Excepciones: no se puede tomar crédito por propinas de los trabajadores de restaurantes de comida rápida, incluidos los empleados que realizan entregas, ni de los empleados de servicios en restaurantes cuyas propinas semanales sean en promedio inferiores a los montos mínimos por hora mostrados arriba. El crédito por propinas no cambia para las horas extras.

- **Comidas y alojamiento:** el empleador puede reclamar una cantidad limitada de su salario si le provee comidas y alojamiento, siempre y cuando no le cobre un monto por adelantado por esto. Las tarifas y los requisitos se encuentran en las órdenes y en los resúmenes de salarios, los cuales están disponibles en línea.

Pagos extras que se le pudieran deber además de las tarifas mínimas que se muestran arriba:

- **Tarifa por hora y horas extras:** a usted se le debe pagar por hora (no un salario ni una tarifa diaria). También se le debe pagar 1½ veces la tarifa regular (no menos de las tarifas que figuran arriba) cuando se superen las 40 horas semanales (o las 44 horas para empleados residenciales).

Excepciones: el pago de horas extras y de tarifas por hora no es obligatorio para profesionales asalariados ni para ejecutivos y personal administrativo cuyo salario semanal supere 75 veces el salario mínimo.

- **Pago por disponibilidad:** si usted se presenta a trabajar en el horario estipulado y su empleador lo envía a casa más temprano, podría tener derecho al pago de horas extras a la tarifa del salario mínimo por ese día.
- **Difusión de Horas:** si el día laboral dura más de diez horas, usted podría tener derecho a un pago diario extra. La tarifa diaria equivale a una hora de pago a la tarifa del salario mínimo.
- **Mantenimiento del uniforme:** si usted lava/mantiene su propio uniforme, podría tener derecho a un pago semanal adicional. Las tarifas semanales están disponibles en línea.



Department
of Labor

Attention Building Service Industry Employees

Minimum Wage hourly rates effective 12/31/2021 – 12/30/2022

New York City

All Employers
Minimum Wage

\$15.00

Overtime after 40 hours \$22.50

Janitor minimum rate per unit \$10.00
or
Janitor minimum weekly salary \$638.00

Long Island and Westchester County

Minimum Wage \$15.00

Overtime after 40 hours \$22.50

Janitor minimum rate per unit \$10.00
or
Janitor minimum weekly salary \$638.00

Remainder of New York State

Minimum Wage \$13.20

Overtime after 40 hours \$19.80

Janitor minimum rate per unit \$8.80
or
Janitor minimum weekly salary \$561.40

If you have questions, need more information or want to file a complaint, please visit www.labor.ny.gov/minimumwage or call:

(888) 469-7365

Credits and Allowances that may reduce your pay below the minimum wage rates shown above:

- **Apartment and utilities** – Your employer may claim a credit from your wages for an apartment and utilities that they provide to you. The rates and requirements are in wage orders and summaries, which are available online.
- **Telephone** – Your employer may claim a credit from your wages for the amount they pay that is over the minimum billing amount.
- **Tips** – No tip credit is available.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

- **Overtime** – You must be paid 1½ times your regular rate of pay (not less than the overtime amounts shown above) for weekly hours over 40.

Exceptions: Overtime is not required for janitors in residential buildings, for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.

- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

Atención Empleados de la Industria de Servicios de Edificios

Salario mínimo por hora vigente para el período comprendido entre el 12/31/2021 y el 12/30/2022.

Ciudad de Nueva York

Todos los empleadores

Salario mínimo

\$15.00

Horas extras después de las 40 horas \$22.50

Conserje: tarifa mínima por unidad \$10.00

o

Conserje: salario mínimo semanal \$638.00

Long Island y Condado de Westchester

Salario mínimo \$15.00

Horas extras después de las 40 horas \$22.50

Conserje: tarifa mínima por unidad \$10.00

o

Conserje: salario mínimo semanal \$638.00

Resto del Estado de Nueva York

Salario mínimo \$13.20

Horas extras después de las 40 horas \$19.80

Conserje: tarifa mínima por unidad \$8.80

o

Conserje: salario mínimo semanal \$561.40

Si tiene alguna pregunta, necesita más información o desea presentar una reclamación, visite www.labor.ny.gov/minimumwage o llame al: **1-888-469-7365**

Créditos y subsidios que podrían hacer que el pago sea inferior a las tarifas mínimas que se muestran arriba:

- **Apartamento y Servicios:** su empleador puede reclamar un crédito de su salario si le provee con los servicios públicos necesarios.
La cantidad y los requisitos se encuentran en las órdenes y en los resúmenes de salarios, los cuales están disponibles en el internet.
- **Teléfono:** su empleador puede reclamar un crédito de su salario por el monto que pague si este excede el monto mínimo de facturación.
- **Propinas:** no existen créditos por propinas.

Pagos extras que se le pudieran deber además de las tarifas mínimas que se muestran arriba:

- **Horas extras:** se le debe pagar 1½ veces la tarifa regular por hora (no menos de las tarifas de horas extras que figuran arriba) cuando se superen las 40 horas semanales.
Excepciones: el pago de horas extras no es obligatorio para conserjes en edificios residenciales, para profesionales asalariados o para ejecutivos y personal administrativo cuyo salario semanal supere 75 veces la tarifa del salario mínimo.
- **Mantenimiento del uniforme:** si usted lava/mantiene su propio uniforme, podría tener derecho a un pago semanal adicional. Las tarifas semanales están disponibles en línea.

WE ARE YOUR DOL



Attention Apparel Industry Employees

Minimum Wage hourly rates effective 12/31/2021 – 12/30/2022

New York City	
Large Employers (11 or more employees)	Small Employers (10 or less employees)
Minimum Wage \$15.00 Overtime after 40 hours \$22.50	Minimum Wage \$15.00 Overtime after 40 hours \$22.50
Long Island and Westchester County	Remainder of New York State
Minimum Wage \$15.00 Overtime after 40 hours \$22.50	Minimum Wage \$13.20 Overtime after 40 hours \$19.80

If you have questions, need more information or want to file a complaint.

By Phone: (518) 457-9000 | (888) 4-NYSDOL (888-469-7365) | 711 TTY/TDD

Credits and Allowances that may reduce your pay below the minimum wage rates shown above:

- **Meals and lodging** – Your employer may claim a limited amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are in wage orders and summaries, which are available online.

Other rules your employer must follow:

- **Safety** – Your employer must comply with local, state and federal safety and health laws and fire codes. Fire exits must be unlocked and easy to get to during work hours.
- **Homework** – No work is to be taken out of the factory to be worked on at home. No work is to be distributed directly to home workers
- **Registration** – Your employer must be registered with the Department of Labor. They must post their annual registration certificate where you can see it.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

- **Overtime** – You must be paid 1½ times your regular rate of pay (no less than overtime amounts shown above) for weekly hours over 40 (or 44 for residential employees).

Exceptions: Overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.

- **Call-in pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

Atención, empleados de la industria textil

Salario mínimo por hora vigente para el período comprendido entre el 12/31/2021 y el 12/30/2022

Ciudad de Nueva York	
Grandes empleadores (11 o más empleados)	Pequeños empleadores (10 o menos empleados)
Salario mínimo \$15.00	Salario mínimo \$15.00
Horas extras después de las 40 horas \$22.50	Horas extras después de las 40 horas \$22.50

Long Island y Condado de Westchester	Resto del Estado de Nueva York
Salario mínimo \$15.00	Salario mínimo \$13.20
Horas extras después de las 40 horas \$22.50	Horas extras después de las 40 horas \$19.80

Si tiene preguntas, necesita más información o desea presentar una queja.

Por teléfono: (518) 457-9000 | (888) 4-NYSDOL (888-469-7365) | 711 TTY/TDD

Créditos y subsidios que podrían hacer que el pago sea inferior a las tarifas mínimas que se muestran arriba:

- **Comidas y alojamiento:** el empleador puede reclamar una cantidad limitada de su salario si le provee comidas y alojamiento, siempre y cuando no le cobre un monto por adelantado por esto. Las tarifas y los requisitos se encuentran en las órdenes y en los resúmenes de salarios, los cuales están disponibles en línea.

Otras normas que debe acatar el empleador:

- **Seguridad:** el empleador debe cumplir con las leyes de salud y seguridad y con los códigos de prevención de incendios locales, estatales y federales. Las salidas de emergencia deben estar desbloqueadas y se debe tener un fácil acceso a estas durante las horas de trabajo.
- **Trabajo en el hogar:** no se debe llevar trabajo de la fábrica para continuarlo en el hogar. No se debe distribuir trabajo directamente a los trabajadores a domicilio.
- **Registro:** su empleador debe estar registrado en el Departamento del Trabajo (Department of Labor). Este debe desplegar el certificado de registro anual en un lugar donde pueda verlo.

Pagos extras que se le pudieran deber además de las tarifas mínimas que se muestran arriba:

- **Horas extras:** se le debe pagar 1½ veces la tarifa regular por hora (no menos de las tarifas de horas extras que figuran arriba) cuando se superen las 40 horas semanales (o las 44 horas para los empleados residenciales).

Excepciones: el pago de horas extras no es obligatorio para profesionales asalariados ni para ejecutivos y personal administrativo cuyo salario semanal supere 75 veces el salario mínimo.

- **Pago por disponibilidad:** si usted se presenta a trabajar en el horario estipulado y su empleador lo envía a casa más temprano, podría tener derecho al pago de horas extras a la tarifa del salario mínimo por ese día.
- **Difusión de Horas:** si el día laboral dura más de diez horas, usted podría tener derecho a un pago diario extra. La tarifa diaria equivale a una hora extra de pago a la tarifa del salario mínimo.
- **Mantenimiento del uniforme:** si usted lava/mantiene su propio uniforme, podría tener derecho a un pago semanal adicional. Las tarifas semanales están disponibles en línea.

WE ARE YOUR DOL



New York State Department of Labor Division of Labor Standards

Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place

Section 206-c of the New York State Labor Law provides as follows:

Right of Nursing Mothers to Express Breast Milk.

An employer shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace.

This law is applicable to all public and private employers in New York State, regardless of the size or nature of their business. In administering this statute, the Department applies the following interpretations and guidelines:

I. Notice

A. Employers shall provide written notification of the provisions of Labor Law §206-c to employees who are returning to work, following the birth of a child, and their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location.

B. An employee wishing to avail herself of this benefit is required to give her employer advance notice. Such notice shall preferably be provided to the employer prior to the employee's return to work following the birth of the child in order to allow the employer an opportunity to establish a location and schedule leave time amongst multiple employees if needed.

II. Reasonable Unpaid Break Time

A. Reasonable unpaid break time is sufficient time to allow the employee to express breast milk. Each break shall generally be no less than twenty minutes. If the room or other location is not in close proximity to the employee's work station (e.g. as in a shared work location with a common lactation room) each break shall generally be no less than thirty minutes. Employees can elect to take shorter unpaid breaks for this purpose.

B. The number of unpaid breaks an employee will need to take for expression purposes varies depending on the amount of time the employee is separated from the nursing infant and the mother's physical needs. In most circumstances, employers shall provide unpaid break time at least once every three hours if requested by the employee.

C. Upon election of the employee, unpaid break time may run concurrently with regularly scheduled paid break or meal periods.

D. Upon election of the employee, an employer shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within the employer's normal work hours.

E. This benefit is available to the employee during their basic work week and any overtime or additional hours worked.

F. An employee may be required to postpone scheduled unpaid break time for no more than thirty minutes if she cannot be spared from her duties until appropriate coverage arrives.

III. Reasonable Efforts and Privacy

A. All employers are required to make reasonable efforts to provide a private room or other location for the purpose of expression of breast milk. "Reasonable effort" requires that the room or other location must be provided for use of employees expressing breast milk so long as it is neither significantly impracticable, inconvenient, or expensive to the employer to do so. Relevant factors in determining significant impracticability, inconvenience, or expense include but are not limited to:

1. The nature of work performed at the business;
2. The overall size and physical layout of the business;
3. The type of facility where the business is housed;
4. The size and composition of the employer's workforce;
5. The business' general hours of operation and the employees' normal work shifts;
6. The relative cost of providing a room or other space for the dedicated purpose.

B. The room or location provided by the employer for this purpose cannot be a restroom or toilet stall.

C. An employer may dedicate one room or other location for the expression of breast milk and establish a schedule to accommodate the needs of multiple employees needing access thereto.

D. An employer who is unable to provide a dedicated lactation room or other location under these guidelines, may allow the use of a vacant office or other available room on a temporary basis for the expression of breast milk, provided the room is not accessible to the public or other employees while the nursing employee is using the room for expression purposes.

E. As a last resort, an employer who is unable to provide a dedicated lactation room or other location under these guidelines may make available a cubicle for use by individuals expressing breast milk, provided the cubicle is fully enclosed with a partition and is not E. As a last resort, an employer who is unable to provide a dedicated lactation room or other location under these guidelines may make available a cubicle

for use by individuals expressing breast milk, provided the cubicle is fully enclosed with a partition and is not otherwise accessible to the public or other employees while it is in use for expression purposes. The cubicle walls shall be at least seven feet tall to insure the nursing employee's privacy.

F. Each room or other location used for the expression of breast milk under these guidelines shall be well lit at all times through either natural or artificial light. If the room has a window, it shall be covered with a curtain, blind, or other covering to ensure privacy for the mother as she is expressing breast milk. The room shall contain, at a minimum, a chair and small table, desk, counter, or other flat surface. In addition, employers are encouraged to provide an outlet, clean water supply, and access to refrigeration for the purposes of storing the expressed milk.

G. An employer is not responsible for insuring the safekeeping of expressed milk stored in any refrigerator on its premises. The employee is required to store all expressed milk in closed containers, regardless of the method of storage and to bring such milk home with her each evening.

H. The employer must maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work.

I. An employer may not deny an employee this benefit due to difficulty in finding a location for purposes of the same.

J. For the purposes of this provision: "Private" shall mean that the room or other location shall not be open to other individuals frequenting the business, whether as employees, customers, or other members of the public. To insure privacy, the room or location should have a door equipped with a functional lock. If a door with a functional lock is not available (in the case of a fully enclosed cubicle) as a last resort an employer must utilize a sign advising the room or location is in use and not accessible to other employees or the public.

IV. Close Proximity

A. Any room or location provided for the expression of breast milk must be in close proximity to the work area of the employee(s) using it for the expression of breast milk.

B. Close proximity means the room or location must be in walking distance and the distance to the location should not appreciably lengthen the break time.

C. Should an employer have more than one employee at a time needing access to a lactation room or other location, the employer may dedicate a centralized location for use by all such employees, provided however, that the employer shall make every effort to locate such space at a reasonable distance from the employees using it.

D. Employers located in shared work areas such as office buildings, malls, and similar premises may cooperate with one another to establish and maintain a dedicated lactation room, provided however, that such rooms must be located at a reasonable distance from the employees using the room. Each employer utilizing such common dedicated lactation room will retain individual responsibility for ensuring that it meets all the requirements of these guidelines with regard to their employees. Use of a common dedicated lactation room pursuant to this paragraph will not reduce, mitigate, or otherwise affect the employer's obligations under these guidelines.

V. Non-Discrimination

No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace. Encouraging or allowing a work environment that is hostile to the right of nursing mothers to take leave for the purpose of expressing breast milk could constitute discrimination within the meaning of this section of the guidelines.

VI. Suggested Employer Activities

A. In addition to the activities set forth in the guidelines above, an employer may consider implementing one or more of the following activities in connection with the needs of employees who are breast feeding children:

1. Providing educational information in the lactation room or area regarding the benefits of breastfeeding and tips on expressing and storing breast milk including posters, newsletters, books, and referral information to health education programs about breastfeeding.
2. Allowing flexible work hours, job sharing, and/or part-time scheduling to accommodate employees with children of nursing age.
3. Providing an easily accessible sink to wash tubing used for pumping breast milk.
4. Allowing mothers of nursing children attending on-site day care to take breaks to breast feed in lieu of pumping.
5. Providing a listing of lactation consultants whom breastfeeding mothers could contact for assistance.
6. Including protection for pregnant and breastfeeding mothers in the company's sexual harassment policy.
7. Designation of a breastfeeding coordinator to allow consistent and coordinated implementation of this benefit in the workplace.

B. Not all questions can be anticipated; therefore these guidelines may not cover all situations that may arise. For additional assistance or information please contact the Division of Labor Standards office nearest you.

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

Binghamton
Sub-District
44 Hawley Street
Binghamton, NY 13901
(607) 721-8014

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

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

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

Rochester
Sub-District
276 Waring Road
Room 104
Rochester, NY 14609
(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.ny.gov>

Sexual Harassment Prevention Notice



Combating Sexual Harassment

Sexual harassment is against the law.

All employees have a legal right to a workplace free from sexual harassment, and [] is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, [] has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status. You are receiving this notice, as required by law, either at the time of hiring or during your annual sexual harassment prevention training.

If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, manager or [] so we can take action.

Our complete policy ☐ is enclosed/attached ☐ may be found at the link below:

Our training materials ☐ are enclosed/attached ☐ may be found at the link below:

Our Complaint Form ☐ are enclosed/attached ☐ may be found at the link below:

If you have questions and to make a complaint, please contact:

[]

[]

For more information and additional resources, please visit:
www.ny.gov/programs/combating-sexual-harassment-workplace

10/19 Version

NEW YORK STATE PAID SICK AND SAFE LEAVE

All private sector workers in New York State are now covered under the state's new sick and safe leave law, regardless of industry, occupation, part-time status, overtime exempt status, and seasonal status.

The law requires employers with five or more employees to provide their employees with paid sick and safe leave. Businesses with fewer than five employees and a net income of \$1 million or less must provide unpaid sick and safe leave to employees.

AMOUNT OF LEAVE

Employees will receive an amount of sick and safe leave depending on the size of their employer:

Number of Employees	Employer Leave Requirements
0 - 4	If net income is \$1 million or less in the previous tax year, the employer is required to provide up to 40 hours of unpaid sick leave per calendar year.
0 - 4	If net income is greater than \$1 million in the previous tax year, the employer is required to provide up to 40 hours of paid sick leave per calendar year.
5 - 99	Up to 40 hours of paid sick leave per calendar year.
100+	Up to 56 hours of paid sick leave per calendar year.

A January 1 – December 31 calendar year must be used for purposes of counting employees. Small employers who reported net income of less than \$1 million do not need to pay their employees sick leave, but must provide the additional allotted leave time. For other purposes, including use and accrual of leave, employers may set a calendar year to mean any 12-month period.

SAFE LEAVE

After January 1, 2021, employees may use accrued leave following a verbal or written request to their employer for sick or safe leave for reasons impacting the employee or a member of their family for whom they are providing care or assistance with care.

Safe leave may be used for an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:

- to obtain services from a domestic violence shelter, rape crisis center, or other services program;
- to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

CAN AN EMPLOYEE USE SAFE LEAVE IF THE POLICE HAVE NOT BEEN CONTACTED OR THE PERPETRATOR HAS NOT BEEN CONVICTED?

Yes. An employee's eligibility for safe leave is not dependent on reporting to law enforcement or a criminal conviction.

WHO QUALIFIES AS A "FAMILY MEMBER" FOR THE PURPOSES OF THIS LAW?

"Family member" is defined as an employee's child, spouse, domestic partner, parent, sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner. "Parent" is defined as a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child. "Child" is defined as a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

DOES AN EMPLOYEE'S IMMIGRATION STATUS AFFECT WHETHER THEY ARE ENTITLED TO SICK OR SAFE LEAVE UNDER THE LAW?

No. An employee's immigration status has no effect on their eligibility for sick or safe leave benefits under this law.

DO EMPLOYEES CONTINUE TO EARN SICK OR SAFE LEAVE WHILE USING PAID SICK OR SAFE LEAVE UNDER THIS LAW?

No. Employees are only required to be credited with leave time for hours worked, and not for hours spent using sick or safe leave time under this law.

MAY PAID FAMILY LEAVE BE USED CONSECUTIVELY WITH PAID SICK LEAVE (E.G. THREE DAYS OF PAID SICK LEAVE, TWO DAYS OF PAID FAMILY LEAVE)?

An employee can only choose to use sick leave during Paid Family Leave (PFL) if the employer allows it. Taking sick leave at the same time as PFL may allow the employee to receive their full salary for all or part of the leave. However, an employee cannot receive more than their full wages while receiving PFL benefits.

CAN AN EMPLOYER HAVE A POLICY THAT PERMITS EMPLOYEES TO DONATE UNUSED LEAVE TO OTHER EMPLOYEES?

Yes. An employer can have a policy that allows employees to donate unused leave to other employees, if the policy is entirely voluntary.

WHAT DO I DO IF MY EMPLOYER ISN'T PROVIDING ME WITH SICK OR SAFE LEAVE AS REQUIRED BY THE LAW?

Employees may file a complaint with the Department of Labor by calling **888-469-7365**.

For more information about New York State's Paid Sick and Safe Leave, including additional FAQs, regulations, and more, please visit ny.gov/paidsickleave.

To get additional help, please visit New York State's Office for the Prevention of Domestic Violence at opdv.ny.gov.

Notice of Employee Rights, Protections, and Obligations Under Labor Law Section 740

Prohibited Retaliatory Personnel Action by Employers

Effective January 26, 2022

§740. Retaliatory action by employers; prohibition.

1. Definitions. For purposes of this section, unless the context specifically indicates otherwise:
 - a. "Employee" means an individual who performs services for and under the control and direction of an employer for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers.
 - b. "Employer" means any person, firm, partnership, institution, corporation, or association that employs one or more employees.
 - c. "Law, rule or regulation" includes: (i) any duly enacted federal, state or local statute or ordinance or executive order; (ii) any rule or regulation promulgated pursuant to such statute or ordinance or executive order; or (iii) any judicial or administrative decision, ruling or order.
 - d. "Public body" includes the following:
 - i. the United States Congress, any state legislature, or any elected local governmental body, or any member or employee thereof;
 - ii. any federal, state, or local court, or any member or employee thereof, or any grand or petit jury;
 - iii. any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof;
 - iv. any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer;
 - v. any federal, state or local department of an executive branch of government; or
 - vi. any division, board, bureau, office, committee, or commission of any of the public bodies described in subparagraphs (i) through (v) of this paragraph.
 - e. "Retaliatory action" means an adverse action taken by an employer or his or her agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his or her rights under this section, including (i) adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion; (ii) actions or threats to take such actions that would adversely impact a former employee's current or future employment; or (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency.
 - f. "Supervisor" means any individual within an employer's organization who has the authority to direct and control the work performance of the affected employee; or who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains.
2. Prohibitions. An employer shall not take any retaliatory action against an employee, whether or not within the scope of the employee's job duties, because such employee does any of the following:
 - a. discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety;
 - b. provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by such employer; or
 - c. objects to, or refuses to participate in any such activity, policy or practice.
3. Application. The protection against retaliatory action provided by paragraph (a) of subdivision two of this section pertaining to disclosure to a public body shall not apply to an employee who makes such disclosure to a public body unless the employee has made a good faith effort to notify his or her employer by bringing the activity, policy or practice to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice. Such employer notification shall not be required where:
 - a. there is an imminent and serious danger to the public health or safety;
 - b. the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice;
 - c. such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor;
 - d. the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or
 - e. the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.
4. Violation; remedy.
 - a. An employee who has been the subject of a retaliatory action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in subdivision five of this section within two years after the alleged retaliatory action was taken.
 - b. Any action authorized by this section may be brought in the county in which the complainant resides, or in the county in which the employer has its principal place of business. In any such action, the parties shall be entitled to a jury trial.
 - c. It shall be a defense to any action brought pursuant to this section that the retaliatory action was predicated upon grounds other than the employee's exercise of any rights protected by this section.
5. Relief. In any action brought pursuant to subdivision four of this section, the court may order relief as follows:
 - a. an injunction to restrain continued violation of this section;
 - b. the reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position, or front pay in lieu thereof;
 - c. the reinstatement of full fringe benefits and seniority rights;
 - d. the compensation for lost wages, benefits and other remuneration;
 - e. the payment by the employer of reasonable costs, disbursements, and attorney's fees;
 - f. a civil penalty of an amount not to exceed ten thousand dollars; and/or
 - g. the payment by the employer of punitive damages, if the violation was willful, malicious or wanton.
6. Employer relief. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disbursements be awarded to an employer if the court determines that an action brought by an employee under this section was without basis in law or in fact.
7. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement or employment contract.
8. Publication. Every employer shall inform employees of their protections, rights and obligations under this section, by posting a notice thereof. Such notices shall be posted conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment.

**To Be Posted Conspicuously in easily accessible and well-lighted places
customarily frequented by employees and applicants for employment.**


WE ARE YOUR DOL

**Department
of Labor**

NY HERO ACT

Model Airborne Infectious Disease Exposure Prevention Plan

The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

Employees should report any questions or concerns with the implementation this plan to the designated contact.

This plan applies to all “employees” as defined by the New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

CONTENTS

I. RESPONSIBILITIES	2
II. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK	2
A. Minimum Controls During an Outbreak	2
B. Advanced Controls During an Outbreak	4
C. Exposure Control Readiness, Maintenance and Storage:	6
III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK	7
IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK	7
V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK	7
VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK	8
VII. Retaliation Protections and Reporting of Any Violations	9

I. RESPONSIBILITIES

This plan applies to all employees of _____, and [all]/[the following work sites]:

This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

Name	Title	Location	Phone

II. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK

A. MINIMUM CONTROLS DURING AN OUTBREAK

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

- General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:
 - Maintain physical distancing;
 - Exercise coughing/sneezing etiquette;
 - Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
 - Individuals limit what they touch;
 - Stop social etiquette behaviors such as hugging and hand shaking, and
 - Wash hands properly and often.
- “Stay at Home Policy”:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.
- Health Screening:** Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.

4. **Face Coverings:** When in use, face coverings must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard (e.g., have features could get caught in machinery or cause severe fogging of eyewear). The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.
- **Effective February 10, 2022:** Employees will wear appropriate face coverings in accordance with guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable. Consistent with the guidance from the State Department of Health, if indoor areas do not have a mask or vaccine requirement as a condition of entry, appropriate face coverings are recommended, but not required. It is also recommended that face coverings be worn by unvaccinated individuals, including those with medical exemptions, in accordance with federal CDC guidance. Further, the State's masking requirements continue to be in effect for pre-K to grade 12 schools, public transit, homeless shelters, domestic violence shelters, correctional facilities, nursing homes, health care, child care, group homes, and other sensitive settings in accordance with CDC guidelines. New York State and the State Department of Health continue to strongly recommend face coverings in all public indoor settings as an added layer of protection, even when not required.
5. **Physical Distancing:** Physical distancing will be used, to the extent feasible, as advised by guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable.

In situations where prolonged close contact with other individuals is likely, use the following control methods: (Note to employer: Check off the controls you intend to use and add any additional controls not listed here.)

- restricting or limiting customer or visitor entry;
- limiting occupancy;
- allowing only one person at a time inside small enclosed spaces with poor ventilation;
- reconfiguring workspaces;
- physical barriers;
- signage;
- floor markings;
- telecommuting;
- remote meetings;
- preventing gatherings;
- restricting travel;
- creating new work shifts and/or staggering work hours;
- adjusting break times and lunch periods;
- delivering services remotely or through curbside pickup;

- _____
- _____
- _____

6. **Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:
- Touching your eyes, nose, or mouth;
 - Touching your mask;
 - Entering and leaving a public place; and
 - Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

7. **Cleaning and Disinfection:** See Section V of this plan.

8. **“Respiratory Etiquette”:** Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing or yawning.
9. **Special Accommodations for Individuals with Added Risk Factors:** Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

B. ADVANCED CONTROLS DURING AN OUTBREAK

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. **Elimination:** Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees.
2. **Engineering Controls:** Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:
 - i. **Mechanical Ventilation:**
 - a. **Local Exhaust Ventilation**, for example:
 - Ventilated booths (lab hoods);
 - Kitchen Vents; and
 - Vented biosafety cabinets.
 - b. **General Ventilation**, for example:
 - Dedicated ventilation systems for cooking areas, malls, atriums, surgical suites, manufacturing, welding, indoor painting, laboratories, negative pressure isolation rooms;
 - Increasing the percentage of fresh air introduced into air handling systems;
 - Avoiding air recirculation;
 - Using higher-efficiency air filters in the air handling system;
 - If fans are used in the facility, arrange them so that air does not blow directly from one worker to another; and
 - ii. **Natural Ventilation**, for example:
 - Opening outside windows and doors to create natural ventilation; and
 - Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. *(Note: This method is appropriate only if air will not blow from one person to another.)*
 - iii. Install automatic disinfection systems (e.g., ultraviolet light disinfection systems).
 - iv. Install cleanable barriers such as partitions and/or clear plastic sneeze/cough guards.
 - v. Change layout to avoid points or areas where employees may congregate (e.g., install additional timeclocks).

Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed in the following table:

Engineering Controls Utilized/Location:

Note to Employer: One of the best ways to reduce exposure to infectious agents is to improve ventilation. The aim is to deliver more "clean air" into an occupied area and exhaust the contaminated air to a safe location. In some cases, the air may have to be filtered before it enters the work area and/or before it is exhausted. Direct the contaminated air away from other individuals and from the building's fresh air intake ports. Consult your ventilation system's manufacturer or service company to determine if improvements are possible for your system.

3. "Administrative Controls" are policies and work rules used to prevent exposure. Examples include:

- Increasing the space between workers;
- Slowing production speed to accommodate fewer workers at a time;
- Disinfecting procedures for specific operations;
- Not shaking out soiled laundry;
- Employee training;
- Identify and prioritize job functions that are essential for continuous operations;
- Cross-train employees to ensure critical operations can continue during worker absence;
- Limit the use of shared workstations;
- Post signs reminding employees of respiratory etiquette, masks, handwashing;
- Rearrange traffic flow to allow for one-way walking paths;
- Provide clearly designated entrance and exits;
- Provide additional short breaks for handwashing and cleaning;
- Establishing pods or cohorts working on same shift;

Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

Administrative Controls Utilized/Location:

4. 10. Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators , , and gloves that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace.

PPE Required - Activity Involved/Location:

1 The use of respiratory protection, e.g. an N95 filtering facepiece respirator, requires compliance with the OSHA Respiratory Protection Standard 29 CFR 1910.134 or temporary respiratory protection requirements OSHA allows for during the infectious disease outbreak.

2 Respirators with exhalation valves will release exhaled droplets from the respirators. Respirators are designed to protect the wearer. Surgical masks and face coverings, which are not respirators, are designed to protect others, not the wearer.

C. EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE:

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK

A. Disinfection Methods and Schedules

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection.

The disinfection methods and schedules selected are based on specific workplace conditions.

The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see dec.ny.gov and epa.gov/pesticide-registration/selected-epa-registered-disinfectants). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.

B. Adjustments to Normal Housekeeping Procedures

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See cdc.gov for more guidance.

C. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.

D. As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK

A. _____ will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter)

B. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:

1. The infectious agent and the disease(s) it can cause;
2. The signs and symptoms of the disease;
3. How the disease can be spread;
4. An explanation of this Exposure Prevention Plan;
5. The activities and locations at our worksite that may involve exposure to the infectious agent;
6. The use and limitations of exposure controls
7. A review of the standard, including employee rights provided under Labor Law, Section 218-B.

C. The training will be

1. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
2. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
3. Verbally provided in person or through telephonic, electronic, or other means.

VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up-to-date with current requirements. Document the plan revisions below:

Plan Revision History			
Date	Participants	Major Changes	Approved By

VII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS

No employer, or his or her agent, or person, , acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

WE ARE YOUR DOL



WE ARE YOUR DOL

Department
of Labor

LEY DE HÉROES DE NY

Modelo de plan de prevención de exposiciones a enfermedades infecciosas transmitidas por el aire

El propósito de este plan es proteger a los empleados contra las exposiciones y enfermedades durante un brote de enfermedad infecciosa transmitida por el aire. Este plan entra en vigor cuando el comisionado de salud del estado de Nueva York designe a una enfermedad infecciosa transmitida por el aire como una enfermedad altamente contagiosa que representa un riesgo grave de daños para la salud pública. Este plan está sujeto a todos los requisitos adicionales o mayores que se deriven de una declaración de estado de emergencia debido a una enfermedad contagiosa transmitida por el aire, así como a todos los estándares federales aplicables.

Los empleados deben expresar todas sus preguntas e inquietudes respecto a la implementación de este plan a la persona de contacto designada.

Este plan se aplica a todos los "empleados" de acuerdo con la definición de la Ley de Héroes del Estado de Nueva York, que incluye a todas las personas que desempeñen trabajos o presten servicios a cambio de una remuneración para una entidad o empresa privada dentro del estado, sin importar la situación migratoria de la persona, e incluirá a los trabajadores a tiempo parcial, contratistas independientes, trabajadores domésticos, trabajadores de cuidado en el hogar y cuidado personal, jornaleros, trabajadores agrícolas y otros trabajadores temporales y por temporada. El término también incluye a las personas que trabajan para aplicaciones o plataformas digitales, agencias de personal, contratistas o subcontratistas que trabajen para el empleador en cualquier lugar de trabajo individual, así como a toda persona que entregue bienes o transporte personas hacia o desde un lugar de trabajo para el empleador, sin importar si la persona que hace la entrega o transporte habitualmente se consideraría un empleador en los términos de este capítulo. El término no incluye a los empleados o contratistas independientes del estado, de cualquier subdivisión política del estado, de una autoridad pública, o de cualquier otra agencia o dependencia gubernamental.

Hasta la fecha de publicación de este documento, si bien el estado sigue lidiando con la COVID-19 y sigue existiendo un riesgo, no hay una designación vigente por ahora. Consulte los sitios de internet de los departamentos de Salud y Trabajo para ver información actualizada respecto a si una designación ha entrado en vigor, ya que dichas designaciones se exhibirán de forma prominente. Ningún empleador está obligado a poner en vigor un plan mientras no exista dicha designación por parte del comisionado de salud.

ÍNDICE

I. RESPONSABILIDADES	2
II. CONTROLES DE EXPOSICIÓN DURANTE UN BROTE DESIGNADO	2
A. Controles mínimos durante un brote	2
B. Controles avanzados durante un brote	4
C. Preparación, mantenimiento y almacenamiento de los controles de exposiciones:	6
III. ORDEN Y LIMPIEZA DURANTE UN BROTE DESIGNADO	7
IV. RESPUESTA A INFECCIONES DURANTE UN BROTE DESIGNADO	7
V. CAPACITACIÓN E INFORMACIÓN DURANTE UN BROTE DESIGNADO	7
VI. EVALUACIONES DEL PLAN DURANTE UN BROTE DESIGNADO	8
VII. PROTECCIÓN CONTRA REPRESALIAS Y DENUNCIA DE CUALQUIER INFRACCIÓN	9

I. RESPONSABILIDADES

Este plan se aplica a todos los empleados de _____, y a [todos los]/[los siguientes] lugares de trabajo:

Este plan exige el compromiso de todos para garantizar el cumplimiento de todos sus elementos, con el fin de prevenir la propagación de la enfermedad infecciosa. Los siguientes empleados con nivel de supervisores se han designado como encargados de que se cumpla el plan. Además, estos empleados con nivel de supervisores fungirán como personas de contacto designadas, excepto cuando se indique lo contrario en este plan:

Nombre	Puesto	Ubicación	Teléfono

II. CONTROLES DE EXPOSICIÓN DURANTE UN BROTE DESIGNADO

A. CONTROLES MÍNIMOS DURANTE UN BROTE

Durante un brote de una enfermedad infecciosa transmitida por el aire, se aplicarán los siguientes controles mínimos en todas las áreas del lugar de trabajo:

- Concientización general:** Las personas pueden no estar conscientes de que tienen la enfermedad infecciosa y pueden propagarla a otras personas. Los empleados deben recordar:
 - Mantener el distanciamiento físico
 - Cumplir con la etiqueta para toser y estornudar
 - Usar cubrebocas, guantes y equipo de protección personal (PPE, por sus siglas en inglés) cuando sea apropiado
 - Las personas deben limitar su contacto con objetos
 - Suspender conductas de etiqueta social, como abrazarse y saludar de mano, y
 - Lavarse las manos correctamente y con frecuencia.
- "Política de permanecer en casa":** Si un empleado presenta síntomas de la enfermedad infecciosa, no debe estar en el lugar de trabajo. El empleado debe informar a la persona de contacto designada y seguir la orientación del Departamento de Salud del Estado de Nueva York (New York State Department of Health, NYSDOH) y de los Centros para la Prevención y el Control de Enfermedades (Centers for Disease Control and Prevention, CDC) sobre la obtención de atención médica y el aislamiento.
- Evaluaciones de salud:** Se evaluará si los empleados presentan síntomas de la enfermedad infecciosa al principio de su turno. Los empleados deben monitorearse a sí mismos durante su turno y deben informar de todos sus nuevos signos o síntomas de la enfermedad infecciosa a la persona de contacto designada. Un empleado que presente síntomas de la enfermedad infecciosa debe ser retirado del lugar de trabajo y comunicarse con un profesional médico para recibir instrucciones. Los elementos de la evaluación de salud se ceñirán a la orientación del NYSDOH y los CDC, de haberla.

4. **Cubre bocas:** Para proteger a sus compañeros de trabajo, los empleados usarán cubrebocas durante toda la jornada laboral, en la medida de lo posible. Siempre que sea posible, deben usarse cubrebocas y distanciamiento social juntos. El cubrebocas debe cubrir la nariz y la boca, y quedar bien unido a la cara, pero sin causar incomodidad. El cubrebocas mismo no debe crear un peligro, por ejemplo, tener componentes que podrían quedar atrapados en una máquina o provocar el empañamiento excesivo de los anteojos. Los cubrebocas deben mantenerse limpios y desinfectados, y deben cambiarse cuando se ensucien, contaminen o dañen.
5. **Distanciamiento físico:** Se aplicará el distanciamiento físico en la mayor medida posible. Evite las reuniones innecesarias y mantenga una distancia mínima de seis pies (o la recomendada por el NYSDOH o los CDC para el agente infeccioso) entre las personas. Use un cubrebocas cuando no pueda mantener la distancia física.

En las situaciones en las que sea probable que exista contacto cercano prolongado con otras personas, use los siguientes métodos de control: (Nota para el empleador: marque los controles que planea usar, y añada los controles adicionales que no se incluyan en esta lista).

- restringir o limitar la entrada de clientes o visitantes
- limitar el aforo
- permitir solamente una persona a la vez dentro de pequeños espacios cerrados con poca ventilación
- reconfiguración de los espacios de trabajo
- barreras físicas
- letreros
- marcas en el piso
- teletrabajo
- reuniones remotas
- prevenir reuniones
- restringir los viajes
- crear nuevos turnos de trabajo o escalonar los horarios de trabajo
- ajustar las horas de descanso y los períodos de comida
- prestar servicios de manera remota u ofrecer entrega en la acera
- _____
- _____
- _____

6. **Higiene de las manos:** Para prevenir la propagación de infecciones, los empleados deben lavarse las manos con agua y jabón por lo menos durante 20 segundos, o usar un desinfectante de manos con 60% de alcohol para limpiarse las manos ANTES y DESPUÉS de:

- Tocarse los ojos, la nariz o la boca
- Tocar su cubrebocas
- Entrar y salir de un espacio público
- Tocar un objeto o una superficie que puedan ser tocados con frecuencia por otras personas, como perillas de puertas, mesas, bombas de gasolina, carritos de compras o teclados/pantallas de cajas registradoras electrónicas.

Dado que los desinfectantes de manos son menos efectivos en las manos sucias, es mejor lavarse las manos que usar desinfectante cuando sus manos estén sucias.

7. **Limpieza y desinfección:** Consulte la sección V de este plan.
8. **"Etiqueta respiratoria":** Dado que las enfermedades infecciosas pueden propagarse con gotitas expulsadas por la nariz y la boca, los empleados deben seguir la etiqueta respiratoria apropiada y cubrirse la boca y la nariz al estornudar, toser o bostezar.
9. **Adaptaciones especiales para personas con factores de riesgo adicionales:** Algunos empleados, debido a su edad, enfermedades subyacentes u otros factores, pueden estar en mayor riesgo de sufrir una enfermedad grave en caso de infectarse. Informe a su supervisor o al departamento de Recursos Humanos si usted forma parte de ese grupo y necesita una adaptación.

B. CONTROLES AVANZADOS DURANTE UN BROTE

En el caso de actividades en las que los controles mínimos no bastan para ofrecer protección suficiente a los empleados, puede ser necesario implementar controles adicionales de la siguiente jerarquía. Los empleadores deben determinar si es necesario hacer lo siguiente:

1. Eliminación: Los empleadores deben considerar la opción de suspender temporalmente o eliminar las actividades de riesgo en las que los controles adecuados no bastan para ofrecer suficiente protección a los empleados.
2. Controles de ingeniería: Los empleadores deben considerar controles apropiados para contener o eliminar el agente infeccioso, evitar que el agente infeccioso se propague, o aislar al trabajador del agente infeccioso. Algunos ejemplos de controles de ingeniería son:
 - i. Ventilación mecánica:
 - a. Ventilación con un extractor de aire local, por ejemplo:
 - Cabinas ventiladas (campanas de gases)
 - Extractores de cocina
 - Gabinetes de seguridad biológica ventilados.
 - b. Ventilación general, por ejemplo:
 - Sistemas dedicados de ventilación para áreas de cocina, centros comerciales, vestíbulos, salas quirúrgicas, manufactura, soldadura, pintura en interiores, laboratorios, salas de aislamiento con presión negativa
 - Aumentar el porcentaje de aire fresco que se introduce a los sistemas de manejo de aire
 - Evitar la recirculación de aire
 - Usar filtros de mayor eficiencia en el sistema de manejo de aire
 - Si se usan ventiladores en las instalaciones, colocarlos de forma que no envíen el aire directamente de un trabajador a otro
 - ii. Ventilación natural, por ejemplo:
 - Abrir puertas y ventanas al exterior para crear ventilación natural
 - Abrir las ventanas de un lado de la habitación para permitir la entrada de aire fresco e instalar extractores de aire en las ventanas del lado opuesto de la habitación para que extraigan aire al exterior. *(Nota: este método solamente es apropiado si no envía el aire de una persona a otra).*
 - iii. Instalar sistemas automáticos de desinfección (por ejemplo, sistemas de desinfección con luz ultravioleta).
 - iv. Instalar barreras que puedan limpiarse, como separadores o protectores de plástico transparente contra estornudos y tos.
 - v. Cambiar la disposición de las instalaciones para evitar puntos o áreas en donde los empleados puedan congregarse (por ejemplo, instalar relojes marcadores adicionales).

Sujeto a los cambios exigidos por las operaciones y circunstancias de la enfermedad infecciosa, los controles de ingeniería que se prevé usar se incluyen en la siguiente tabla:

Controles de ingeniería utilizados/Ubicación:

Nota para el empleador: Una de las mejores formas de reducir la exposición a agentes infecciosos es mejorar la ventilación. El objetivo es llevar más "aire limpio" a un espacio ocupado y extraer el aire contaminado a un lugar seguro. En algunos casos, puede ser necesario filtrar el aire antes de que entre al espacio de trabajo o antes de extraerlo. Dirija el aire contaminado a un lugar alejado de otras personas y de los puntos de entrada de aire fresco al edificio. Consulte al fabricante de su sistema de ventilación o a su compañía de servicios para determinar si es posible hacer mejoras a su sistema.

3. Los "controles administrativos" son las políticas y reglas de trabajo utilizadas para prevenir las exposiciones. Algunos ejemplos son:
- Aumentar el espacio entre los trabajadores
 - Reducir la velocidad de producción para tener menos trabajadores a la vez
 - Procedimientos de desinfección para operaciones específicas
 - Abstenerse de sacudir la ropa sucia
 - Capacitación para los empleados
 - Identificar y priorizar las funciones laborales que son esenciales para la continuidad de las operaciones
 - Impartir capacitación cruzada a los empleados para asegurarse de que las operaciones críticas puedan continuar en ausencia de algunos trabajadores
 - Limitar el uso de estaciones de trabajo compartidas
 - Colocar letreros para recordarles a los empleados la etiqueta respiratoria, el uso de cubrebocas y el lavado de manos
 - Organizar el flujo del tráfico para que los corredores sean de un solo sentido
 - Designar claramente las entradas y las salidas
 - Ofrecer descansos breves adicionales para lavarse las manos y limpiar
 - Establecer grupos o cohortes de empleados que trabajen el mismo turno

Sujeto a los cambios exigidos por las operaciones y circunstancias de la enfermedad infecciosa, se prevé el uso de los siguientes controles administrativos:

Controles administrativos utilizados/Ubicación:

4. 10. El equipo de protección personal (PPE, por sus siglas en inglés) son dispositivos tales como protectores oculares, caretas, respiradores y guantes, que protegen al usuario contra infecciones. El PPE será provisto, usado y mantenido en condiciones sanitarias y confiables, sin costo para el empleado. El PPE provisto a los empleados se fundamentará en una evaluación de riesgos del lugar de trabajo.

PPE obligatorio - Actividad/ubicación:

1 El uso de protección respiratoria, como un respirador con máscara de filtrado N95, debe cumplir con la Norma de Protección Respiratoria 29 CFR 1910.134 de OSHA o con los requisitos temporales de protección respiratoria permitidos por OSHA durante el brote de enfermedad infecciosa.

2 Los respiradores con válvulas de exhalación liberan gotitas exhaladas de los respiradores. Los respiradores están diseñados para proteger al usuario. Las máscaras quirúrgicas y los cubrebocas, que no son respiradores, están diseñados para proteger a los demás, no al usuario.

C. PREPARACIÓN, MANTENIMIENTO Y ALMACENAMIENTO DE LOS CONTROLES DE EXPOSICIONES:

Los controles que hemos seleccionados se adquirirán, se almacenarán correctamente y se mantendrán de forma que estén preparados para su uso inmediato en caso de un brote de enfermedad infecciosa, y se tomarán en cuenta adecuadamente todas las fechas de caducidad aplicables.

III. ORDEN Y LIMPIEZA DURANTE UN BROTE DESIGNADO

A. Métodos y calendarios de desinfección

Los objetos que sean tocados reiteradamente por varias personas, como las perillas de puertas, interruptores de luz, botones y palancas de control, controles, manijas de grifos, computadoras, teléfonos o pasamanos deben limpiarse frecuentemente con un desinfectante apropiado. Las superficies que se manipulen con menos frecuencia, o por menos personas, pueden requerir desinfección menos frecuente.

Los métodos y calendarios de desinfección seleccionados se fundamenten en las condiciones específicas del lugar de trabajo.

El Departamento de Conservación Ambiental del Estado de Nueva York (New York State Department of Environmental Conservation, NYSDEC) y la Agencia de Protección Ambiental (Environmental Protection Agency, EPA) han compilado listas de desinfectantes aprobados que son eficaces contra muchos agentes infecciosos (ver dec.ny.gov y epa.gov/pesticide-registration/selected-epa-registered-disinfectants). Seleccione los desinfectantes con base en la orientación del NYSDOH y los CDC y siga las indicaciones del fabricante en cuanto a métodos, dilución, uso y tiempo de contacto.

B. Ajustes a los procedimientos normales de orden y limpieza

Los trabajos y calendarios normales de orden y limpieza deben seguirse durante un brote de enfermedad infecciosa, en la medida en que resulte práctico y apropiado, y de forma congruente con las orientaciones del NYSDOH y los CDC vigentes en ese momento. Sin embargo, podría ser necesario ajustar los procedimientos de rutina, y podrían necesitarse actividades adicionales de limpieza y desinfección.

El personal de limpieza puede encontrarse en riesgo adicional debido a que puede tener que limpiar muchas superficies potencialmente contaminadas. Algunas actividades de limpieza, como barrer en seco, aspirar y sacudir polvo, pueden volver a suspender en el aire partículas contaminadas con el agente infeccioso. Por ese motivo, podría ser necesario utilizar métodos alternativos o aumentar los niveles de protección.

Por ejemplo, en vez de sacudir el polvo, los CDC recomiendan limpiar las superficies con agua y jabón antes de desinfectarlas. Realizar las tareas de orden y limpieza fuera del horario normal de actividad también puede reducir la exposición de los demás trabajadores al agente infeccioso. Las mejores prácticas indican que el personal de limpieza debe usar protección respiratoria. Consulte cdc.gov para ver más indicaciones.

C. Si un empleado presenta síntomas de la enfermedad infecciosa en el trabajo, lo ideal es aislar el área de acuerdo con la orientación emitida por el NYSDOH o los CDC antes de limpiar y desinfectar el espacio de trabajo del empleado enfermo. El retraso permitirá que las gotitas contaminadas se asienten y dejen de estar suspendidas en el aire, y que el espacio se ventile.

D. Cuando sea factible, deben colocarse bolsas en el interior de los recipientes de basura. Vacíe los recipientes con la frecuencia necesaria para evitar que se desborden. No saque el aire de las bolsas de basura antes de cerrarlas con un nudo. Los recipientes de basura pueden contener pañuelos o cubrebocas contaminados.

IV. RESPUESTA A INFECCIONES DURANTE UN BROTE DESIGNADO

En caso de que se presente en el trabajo un caso de enfermedad infecciosa, confirmado o sospechado, tome las siguientes medidas:

- Indique a la persona enferma que se ponga un cubrebocas, abandone el lugar de trabajo y siga las indicaciones del NYSDOH y los CDC.
- Siga la orientación de las autoridades locales y estatales para informar a las personas afectadas.

V. CAPACITACIÓN E INFORMACIÓN DURANTE UN BROTE DESIGNADO

- A. _____ informará verbalmente a todos los empleados sobre la existencia y ubicación del presente Plan, las circunstancias en las que puede activarse, el estándar de enfermedades infecciosas, las políticas del empleador y los derechos del empleado de acuerdo con la Ley Héroe. (Nota: no es necesario impartir capacitación a las siguientes personas: personas que trabajan para agencias de personal, contratistas o subcontratistas que trabajen para el empleador en cualquier lugar de trabajo individual, así como a toda persona que entregue bienes o transporte personas hacia o desde un lugar de trabajo para el empleador, cuando la persona que hace la entrega o transporte habitualmente se consideraría un empleador en los términos de este capítulo).

- B. Cuando se active este plan, todo el personal recibirá capacitación que cubrirá todos los elementos de este plan y los siguientes temas:
1. El agente infeccioso y las enfermedades que puede provocar
 2. Los signos y síntomas de la enfermedad
 3. Cómo puede propagarse la enfermedad
 4. Una explicación de este plan de prevención de exposiciones
 5. Las actividades y espacios de nuestro lugar de trabajo que pueden representar exposiciones al agente infeccioso
 6. El uso y las limitaciones de los controles de exposición
 7. Un repaso del estándar, incluyendo los derechos de los empleados descritos en la Sección 218-B de la Ley de Trabajo.
- C. La capacitación será
1. Impartida sin costo a los empleados durante su horario de trabajo. Si no es posible impartir la capacitación durante el horario de trabajo normal, los empleados recibirán remuneración por el tiempo de capacitación (con sueldo o tiempo libre).
 2. Apropiaada, en su contenido y vocabulario, para su nivel educativo, alfabetización e idioma preferido.
 3. Impartida verbalmente en persona o por teléfono, por medios electrónicos o por otros medios.

VI. EVALUACIONES DEL PLAN DURANTE UN BROTE DESIGNADO

El empleador revisará y modificará el plan periódicamente, cuando se active el plan, y con la frecuencia necesaria para mantenerlo actualizado con los requisitos más recientes. Documente las modificaciones al plan a continuación:

Historial de modificaciones al plan			
Fecha	Participantes	Cambios importantes	Aprobado por

VII. PROTECCIÓN CONTRA REPRESALIAS Y DENUNCIA DE CUALQUIER INFRACCIÓN

Ningún empleador, ni sus agentes, ni personas que actúen como entidades contratantes o en nombre de las mismas, ni los directivos o agentes de cualquier entidad, empresa, corporación, sociedad o compañía de responsabilidad limitada, deberá discriminar, amenazar, tomar represalias o tomar medidas adversas en contra de cualquier empleado porque este haya ejercido sus derechos de acuerdo con este plan, incluyendo el de denunciar conductas que el empleado cree razonablemente y de buena fe que infringen el plan o de informar de sus inquietudes sobre enfermedades infecciosas transmitidas por el aire a su empleador o a funcionarios o agencias gubernamentales, ni por negarse a trabajar cuando un empleado crea razonablemente y de buena fe que dicho trabajo lo expone a él, a otros trabajadores o al público en general a un nivel inaceptable de riesgo de exposición, asumiendo que el empleado, otro empleado o un representante haya notificado al empleador, verbalmente o por escrito, incluyendo comunicaciones electrónicas, de las condiciones de trabajo incongruentes y el empleador no las haya arreglado, o si el empleador sabía o debería haber sabido de las condiciones de trabajo incongruentes.

Un empleado puede notificar de una infracción verbalmente o por escrito, y sin limitaciones en el formato, incluyendo las comunicaciones electrónicas. En la medida en que las comunicaciones entre el empleador y el empleado acerca de un potencial riesgo de exposición sean por escrito, el empleador debe conservarlas durante dos años después de que concluya la designación de una enfermedad de alto riesgo por parte del comisionado de salud, o durante dos años después de que concluya la declaración de emergencia del gobernador sobre una enfermedad de alto riesgo. El empleador debe incluir información de contacto para denunciar infracciones a este plan y represalias durante el horario regular de atención y durante los fines de semana y otros horarios de trabajo irregulares en los que los empleados pueden estar trabajando.

WE ARE YOUR DOL



Attention Covered Airport Workers in the Miscellaneous Industries

LaGuardia Airport, John F. Kennedy International Airport,
and related locations where covered airport workers are employed

Minimum Applicable Standard Hourly Wage Rates

The greater of:		
New York State Minimum Wage in Effect as of:	12/31/19	\$15.00 /hr.
Or	9/1/21	\$17.00 /hr.
Port Authority Minimum Wage in Effect as of:	9/1/22	\$18.00 /hr.
Plus		
Standard Benefits Supplement Rate in Effect as of: (for the first 40 hours, including time off toward the cost of minimum essential coverage under an employer-sponsored health care plan)	7/1/21	\$4.54 /hr.

If you have questions, need more information or want to file a complaint, please visit
www.labor.ny.gov/minimumwage or call: **1-888-469-7365**.

Covered Airport Workers are any persons employed to perform work at a covered airport location who work at least ½ of their weekly hours at a covered location, were employed as of 12/30/20 and work an average of 30 hours per week. Covered airport workers in the Miscellaneous Industries perform the following work: cleaning and related services, security related services, in terminal passenger services and baggage handling. Salaried professionals, or executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate, **are not covered airport workers**. Detailed descriptions are available at www.labor.ny.gov

do not charge you anything else. The rates and requirements are set forth in wage orders and summaries, which are available online.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

Credits and Allowances

- **Tips** – Beginning December 31, 2020, your employer must pay the full applicable minimum wage rate, and cannot take any tip credit.
- **Meals and lodging** – Your employer may claim a limited amount of your wages for meals and lodging that they provide to you, as long as they
- **Overtime** – You must be paid 1½ times your regular rate of pay (no less than amounts shown above) for weekly hours over 40.
- **Call-in pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

WE ARE YOUR DOL



LS208 (03/22)

www.labor.ny.gov

Atención trabajadores aeroportuarios cubiertos en sectores varios

El Aeropuerto LaGuardia, el Aeropuerto Internacional John F. Kennedy
y los lugares relacionados que emplean a trabajadores aeroportuarios cubiertos

Sueldos mínimos por hora estándar aplicables

La cantidad mayor entre:		
El salario mínimo vigente en el estado de Nueva York al:	31/Dic/19	\$15.00 /hora
O	1/Sep/21	\$17.00 /hora
El salario mínimo de la Autoridad Portuaria vigente al:	1/Sep/22	\$18.00 /hora
Más		
Tarifa estándar de beneficios suplementarios en vigor al: (por las primeras 40 horas, incluyendo tiempo libre, para compensar el costo de la cobertura mínima esencial de un plan de salud patrocinado por el empleador)	1/Jul/21	\$4.54 /hora

Si tiene preguntas, necesita más información o desea presentar una queja, visite:
www.labor.ny.gov/minimumwage o llame al: **1-888-469-7365**

Los trabajadores aeroportuarios cubiertos son todas las personas empleadas para desempeñar trabajo en un aeropuerto cubierto y que trabajen al menos ½ de sus horas semanales en un lugar cubierto, estuvieron empleadas al 30/Dic/20 y trabajen un promedio de 30 horas a la semana. Los trabajadores aeroportuarios cubiertos en sectores varios desempeñan los siguientes trabajos: limpieza y servicios relacionados, servicios relacionados con la seguridad, servicios a pasajeros en terminales y manejo de equipajes. Los profesionales asalariados, así como el personal directivo y administrativo cuyo salario semanal sea mayor a 75 veces el salario mínimo, **no son trabajadores aeroportuarios cubiertos**. Hay descripciones detalladas disponibles en www.labor.ny.gov.

Créditos y prestaciones

- **Propinas** – A partir del 31 de diciembre de 2020, su empleador debe pagar el salario aplicable en su totalidad, y no puede aplicar un crédito por propinas a su sueldo.
- **Comidas y alojamiento:** su empleador puede reclamar una cantidad limitada de su salario por las comidas y el alojamiento que le proporcionan, siempre que

no le cobren nada más. Las tarifas y los requisitos se establecen en las ordenanzas sobre salarios y en resúmenes, que están disponibles en línea.

Pagos adicionales que se le pueden adeudar además de los salarios mínimos que se muestran arriba:

- **Tiempo extra:** deben pagarle 1½ veces su sueldo regular (por lo menos las cantidades que se muestran arriba) por las horas excedentes a 40 en cada semana.
- **Pago por disponibilidad:** si asiste a trabajar en su horario programado y su empleador lo envía a casa antes de su hora de salida, usted puede tener derecho a que le paguen horas adicionales por ese día, al salario mínimo.
- **Horario prolongado:** Si su día laboral dura más de diez horas, usted puede tener derecho a un pago adicional diario. El pago diario equivale a una hora de salario mínimo.
- **Mantenimiento de uniformes:** si limpia su propio uniforme, puede tener derecho a un pago semanal adicional. Las tarifas semanales se encuentran disponibles en línea.

WE ARE YOUR DOL



LS208S (03/22)

www.labor.ny.gov

LNy116

GovDocs
Print Date: 4/22

Attention Covered Airport Workers in the Hospitality Industry

LaGuardia Airport, John F. Kennedy International Airport,
and related locations where airline catering* workers are employed

*airline catering includes work related to the preparation or delivery of food or beverage for consumption on
airplanes departing from a covered airport location or related location.

Minimum Applicable Standard Hourly Wage Rates

The greater of:		12/31/19	\$15.00 /hr.
New York State Minimum Wage in Effect as of:			Overtime after 40 hours \$22.50
Fast Food Worker	\$15.00 /hr.	*Service Employee	\$12.50 /hr.
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$20.00
		Tip threshold (non-resort)	\$3.25
		*Catering Food Service Worker	\$10.00 /hr.
		Overtime after 40 hours	\$17.50
Or		9/1/21	\$17.00 /hr.
Port Authority Minimum Wage in Effect as of:		9/1/22	\$18.00 /hr.
Plus		7/1/21	\$4.54 /hr.
Standard Benefits Supplement Rate in Effect as of: (toward the cost of minimum essential coverage under an employer-sponsored health care plan for the first 40 hours, including time off)			

If you have questions, need more information or want to file a complaint, please visit
www.labor.ny.gov/minimumwage or call: **1-888-469-7365**.

Covered Airport Workers are any persons employed to perform work at a covered airport location who work at least ½ of their weekly hours at a covered location, were employed as of 12/30/20 and work an average of 30 hours per week. Covered airport workers in the Miscellaneous Industries perform the following work: cleaning and related services, security related services, in terminal passenger services and baggage handling. Salaried professionals, or executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate, **are not covered airport workers**. Detailed descriptions are available at www.labor.ny.gov

Credits and Allowances

- **Tips** – Your employer may use a limited amount of your tips to reduce your wages. This is called a tip credit. Your employer may take a tip credit only if your tips plus wages add up to at least the minimum wage. They must still pay at least the wage rates shown above. The tip credit amount is the same for overtime hours.
- **Meals and lodging** – Your employer may claim a limited

amount of your wages for meals and lodging that they provide to you, as long as they do not charge you anything else. The rates and requirements are set forth in wage orders and summaries, which are available online.

Extra Pay you may be owed in addition to the minimum wage rates shown above:

- **Overtime** – You must be paid 1½ times your regular rate of pay (no less than amounts shown above) for weekly hours over 40.
- **Call-in pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

WE ARE YOUR DOL



LS209 (03/22)

www.labor.ny.gov

LNY117

GovDocs
Print Date: 4/22

Atención trabajadores aeroportuarios cubiertos en el sector de la hospitalidad

El Aeropuerto LaGuardia, el Aeropuerto Internacional John F. Kennedy y los lugares relacionados que emplean a trabajadores de servicios alimenticios para aerolíneas*

*los servicios alimenticios para aerolíneas incluyen los trabajos relacionados con la preparación o entrega de alimentos o bebidas para su consumo en aviones que parten de un aeropuerto cubierto o lugar relacionado.

Sueldos mínimos por hora estándar aplicables

La cantidad mayor entre:		31/Dic/19	\$15.00 /hora
El salario mínimo vigente en el estado de Nueva York al:			Horas extras después de 40 horas \$22.50
Trabajadores de comidas rápidas	\$15.00 / hora	*Empleados de servicios	\$12.50 / hora
Horas extra después de 40 horas	\$22.50	Horas extra después de 40 horas	\$20.00
		Umbral de propinas (fuera de resorts)	\$3.25
		*Trabajadores de servicio de alimentos	\$10.00 / hora
		Horas extra después de 40 horas	\$17.50
O		1/Sep/21	\$17.00 /hora
El salario mínimo de la Autoridad Portuaria vigente al:		1/Sep/22	\$18.00 /hora
Más		1/Jul/21	\$4.54 /hora
Tarifa estándar de beneficios suplementarios en vigor al: (para compensar el costo de la cobertura mínima esencial de un plan de salud patrocinado por el empleador para las primeras 40 horas, incluyendo tiempo libre)			

Si tiene preguntas, necesita más información o desea presentar una queja, visite:
www.labor.ny.gov/minimumwage o llame al: **1-888-469-7365**.

Los trabajadores aeroportuarios cubiertos son todas las personas empleadas para desempeñar trabajo en un aeropuerto cubierto (incluyendo lugares relacionados) y que trabajen al menos ½ de sus horas semanales en un lugar cubierto, estuvieron empleadas al 30/Dic/20 y trabajen un promedio de 30 horas a la semana. Los trabajadores aeroportuarios cubiertos en el sector de la hospitalidad desempeñan los siguientes trabajos: servicios de alimentos para aerolíneas y servicios en salas de espera del aeropuerto. Los profesionales asalariados, así como el personal directivo y administrativo cuyo salario semanal sea mayor a 75 veces el salario mínimo, **no son trabajadores aeroportuarios cubiertos**. Hay descripciones detalladas disponibles en www.labor.ny.gov.

Créditos y prestaciones

- **Propinas:** su empleador puede usar una cantidad limitada de sus propinas para reducir su sueldo. Eso se conoce como un crédito por propinas. Su empleador sólo puede tomar un crédito por propinas si sus propinas más su sueldo suman por lo menos el salario mínimo. Aún debe pagarle por lo menos el sueldo que se indica arriba. El importe del crédito por propinas es el mismo para las horas de tiempo extra.
- **Comidas y alojamiento:** su empleador puede reclamar una

cantidad limitada de su salario por las comidas y el alojamiento que le proporcionan, siempre que no le cobren nada más. Las tarifas y los requisitos se establecen en las ordenanzas sobre salarios y en resúmenes, que están disponibles en línea.

Pagos adicionales que se le pueden adeudar además de los salarios mínimos que se muestran arriba:

- **Tiempo extra:** deben pagarle 1½ veces su sueldo regular (por lo menos las cantidades que se muestran arriba) por las horas excedentes a 40 en cada semana.
- **Pago por disponibilidad:** si asiste a trabajar en su horario programado y su empleador lo envía a casa antes de su hora de salida, usted puede tener derecho a que le paguen horas adicionales por ese día, al salario mínimo.
- **Horario prolongado:** Si su día laboral dura más de diez horas, usted puede tener derecho a un pago adicional diario. El pago diario equivale a una hora de salario mínimo.
- **Mantenimiento de uniformes:** si limpia su propio uniforme, puede tener derecho a un pago semanal adicional. Las tarifas semanales se encuentran disponibles en línea.

WE ARE YOUR DOL



www.labor.ny.gov

LN118

LS209S (03/22)

GovDocs

Print Date: 4/22

NEW YORK STATE NOTICE OF ELECTRONIC MONITORING

Employees are advised that any and all telephone conversations or transmissions, electronic mail or transmissions, Internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic or photoelectronic or photo-optical systems may be subject to monitoring at any and all time and by any lawful means.

N.Y. Civ. Rights Law § 52-c.