

NEW YORK



LABOR LAW POSTINGS New York City

New York, NY Labor Law Postings

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

Posting ID	Name of Posting	Posting Requirements
LN37	New York City No Smoking	Required for all employers except those exempted by law
LN39	New York City Pregnancy & Employment Rights	Optional for all employers of 4 or more employees
LN40	NYC Pregnancy and Employment Rights (Spanish)	Optional for all employers of 4 or more employees
LN41	New York City Food Allergies	Required for some (Restaurant)
LN42	New York City Food Allergies (Spanish)	Optional for restaurant employers
LN43	New York City Choking Poster	Required for some (Restaurant)
LN44	New York City Hand Washing	Required for some (Restaurant)
LN46	NYC Paid Sick Leave	Required for Employers with five or more employees who are hired to work more than 80 hours a calendar year in New York City
LN47	NYC Paid Sick Leave (Spanish)	Optional for Employers with five or more employees who are hired to work more than 80 hours a calendar year in New York City
LN56	NYC Fair Housing	Optional for businesses engaged in sale or rental of real property
LN57	NYC Fair Housing (Spanish)	Optional for businesses engaged in sale or rental of real property
LN58	NYC Public Work Project	Required for contractors performing public works projects and building service work for government agencies
LN59	NYC Public Work Project (Spanish)	Required for contractors performing public works projects and building service work for government agencies with Spanish speaking workers
LN77	New York City Fast Food Fair Workweek	Required for all fast food employers
LN89	New York City Fast Food Fair Workweek (Spanish)	Required for all fast food employers with 5% or more Spanish speakers
LN78	New York City Retail Fair Workweek	Required for all retail employers
LN91	New York City Retail Fair Workweek (Spanish)	Required for all retail employers with 5% or more Spanish speakers
LN81	New York City Notice of Rights	Optional for all employers
LN82	New York City Notice of Rights (Spanish)	Optional for all employers
LN84	New York City Temporary Changes to Work Schedule	Required for all employers EXCEPT Government employees, certain employees subject to collective bargaining agreements, and certain employees in motion picture, television, and live entertainment industries
LN122	New York City Temporary Changes to Work Schedule (Spanish)	Optional for all employers EXCEPT Government employees, certain employees subject to collective bargaining agreements, and certain employees in motion picture, television, and live entertainment industries
LN85	New York City Sexual Harassment	Required for all employers
LN87	New York City Sexual Harassment (Spanish)	Required for all employers
LN123	New York City Construction Poster (Prevailing Wage)	Required for contractors and sub-contractors on public work projects (construction-like work). The Construction Poster must attach prevailing wage schedules for all applicable trade classifications
LN124	New York City Minimum Average Hourly Wage Worker	Required for all employers covered by minimum average hourly wage requirements
LN125	New York City Minimum Average Hourly Wage Worker (Spanish)	Optional for all employers covered by minimum average hourly wage requirements with Spanish-speaking employees
LN129	New York City Know Your Rights at Work	Required for all employers
LN130	New York City Model Lactation Accommodation Policy With No Dedicated Space for Lactation	Optional for all employers. Employers can post either their own lactation policy or the model policy provided by the city
LN132	New York City Model Lactation Accommodation Policy with a Multi-Purpose Space for Lactation	Optional for all employers. Employers can post either their own lactation policy or the model policy provided by the city
LN133	New York City Model Lactation Accommodation Policy with a Dedicated Lactation Room	Optional for all employers. Employers can post either their own lactation policy or the model policy provided by the city

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.

New York City Smoke-Free Air Act

No Smoking or Electronic Cigarette Use



To report violations of the law, call **311**, or visit nyc.gov/311 and search for **smoking complaint**.

For help quitting smoking, call 866-NY-QUITS (866-697-8487) or visit nyc.gov/nycquits.

For more information about cannabis, visit nyc.gov/health/cannabis.



NOTICE

Pregnancy Accommodations at Work

The NYC Human Rights Law requires all employers with four or more employees, or one or more domestic worker, to provide reasonable accommodations to employees related to pregnancy, childbirth, and related medical conditions to enable them to continue working and/or return to work promptly while maintaining a healthy pregnancy. Employers are required to provide written notice of employees' rights under the Law, and can use this document to satisfy that requirement. As such, it should be posted in the workplace.

EMPLOYERS

Provide a clear policy and protocol for employees to request a reasonable accommodation. Work with your pregnant employee to promptly agree on a reasonable accommodation that:

- Values your employee's contributions to the workplace.
- Helps your employee satisfy the essential requisites of her job.
- Keeps them in the workplace for as long as they are able to continue working.
- Is right for your employee and does not cause undue hardship to your business.

Employers must have a lactation policy that is posted at the workplace, provided to employees at the start of their employment, and on the intranet if one exists. A model policy is available here:



Ignoring a request for a reasonable accommodation, failing to respond quickly, punishing, or firing your employee after they request one can expose you to damages and civil penalties. Employers are prohibited from asking for proof of pregnancy. Employers may request a doctor's note only when the accommodations requested by the employee involve time away from the workplace and when not otherwise prohibited by city, state, or federal law, including the NYC Earned Safe and Sick Time Act.

NYC.gov/HumanRights or call 212-416-0197






 @NYCCHR

EMPLOYEES

If you need a reasonable accommodation to continue working or remain employed, you can request one. Examples include, but are not limited to:

- Breaks (e.g. to use the bathroom, eat or drink, or provide necessary rest).
- Changes to your work environment such as a seat or a fan.
- Assistance with physically demanding tasks.
- Time off or schedule adjustments.
- A private, clean, non-bathroom space and at least 30 minutes of paid breaks for expressing breast milk and use of other existing paid break/meal time for beyond the 30 minutes..
- Light duty or a temporary transfer to a different position.
- Time off to recover from childbirth.

The type of reasonable accommodation appropriate for an employee should be tailored to the needs of the employee and the employer. If your request for a reasonable accommodation has been ignored or denied without an appropriate alternative, we can help. Call the NYC Commission on Human Rights at 212-416-0197 to report it.

NYC Commission on
Human Rights

AVISO

ACOMODACIONES EN EL TRABAJO RELATIVAS AL EMBARAZO

La Ley de Derechos Humanos de la Ciudad de Nueva York requiere que todos los empleadores con cuatro o más empleados o uno o más trabajadores doméstico ofrezcan acomodaciones razonables a sus empleadas/os relativas al embarazo y el nacimiento de un bebé y las condiciones médicas relacionadas con estas etapas de la vida para que puedan continuar trabajando y/o regresar al trabajo rápidamente y que al mismo tiempo estos empleados disfruten de un embarazo saludable. Los empleadores están obligados a proporcionar un aviso por escrito sobre los derechos de los empleados según la Ley. Este documento puede usarse para satisfacer ese requerimiento. Como tal, este aviso debe publicarse en el lugar de trabajo.



EMPLEADORES

Proporcione una política clara y un protocolo para que los empleados soliciten una acomodación razonable. Trabaje con su empleada/o embarazada/o para que establezcan un acuerdo inmediato sobre una acomodación razonable que:

- Valore las contribuciones de la/el empleada/o al lugar de trabajo
- Ayude a la/al empleada/o a satisfacer los requisitos esenciales de su trabajo
- Permita a la/al empleada/o seguir trabajando la mayor parte del tiempo que le sea posible
- Sea apropiado para el/la empleada/o y no causa dificultades excesivas en su lugar de trabajo

Ignorar una solicitud de acomodación razonable, tomarse mucho tiempo para responder, castigar o despedir a su empleado (a) después de que ha hecho la solicitud puede exponerlo a tener que pagar daños emocionales y sanciones civiles. Los empleadores tienen prohibido pedir pruebas de embarazo y solo pueden solicitar una nota médica cuando las acomodaciones solicitados por la/el empleada (o) implican tiempo fuera del lugar de trabajo y cuando esto no esté prohibidos por leyes locales, estatales o federales, incluida la Ley de Horas de Enfermedad Ganados de Nueva York (NYC Earned Sick Time Act).

EMPLEADOS

Usted puede solicitar una acomodación razonable para continuar trabajando o seguir siendo empleado por su trabajo. Por ejemplo:

- Descansos (por ejemplo, para usar el baño, comer o beber, o asegurar el descanso necesario)
- Cambios en su entorno de trabajo (por ejemplo, una silla o un ventilador)
- Asistencia con tareas físicamente exigentes
- Tiempo libre o ajustes de horario
- Un espacio privado y limpio que no sea un baño para descansos y para extraer leche materna
- Trabajo ligero o una transferencia temporal a una posición diferente
- Tiempo libre para recuperarse del parto

El tipo de acomodación razonable apropiado para una/una empleada/o debe adaptarse a las necesidades del empleado y del empleador. Si su solicitud de ajuste razonable ha sido ignorada o denegada sin una alternativa adecuada, podemos ayudarlo. Llame a la Comisión de Derechos Humanos de la Ciudad de Nueva York al 212-416-0197 y reportarlo.

NYC.gov/HumanRights or call 212-416-0197



NYC Comisión de
Derechos Humanos

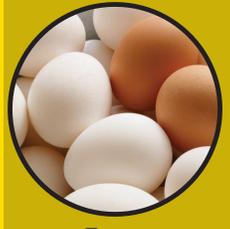
Food allergies can be serious

Even a tiny amount of the allergy-causing food can be harmful

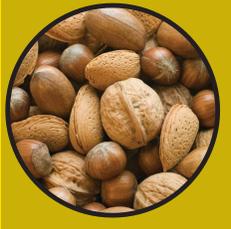
The nine most common allergy-causing foods are:



Peanuts



Eggs



Tree Nuts



Milk



Fish



Wheat



Shellfish



Soy



Sesame

When a customer informs a server of a food allergy, the server should:

- Ask the chef or manager if the allergy-causing food is in or came into contact with the dish ordered.
- Tell the customer what the chef or manager said.
- Never guess! Ask questions!

To prevent cross-contamination, kitchen staff and servers should:

- Check all ingredients and read the labels on packaged foods.
- Wash their hands.
- Change their gloves.
- Clean work surfaces.
- Never use any equipment or utensils that were used to prepare other foods.
- Never use oils that were used to prepare other foods.
- Prevent splashes and spills.
- Keep the finished dish separate from other dishes.

Las alergias a los alimentos pueden ser graves

Incluso una pequeña cantidad del alimento que causa la alergia puede ser dañina

Los nueve alimentos que causan alergias habitualmente:



Maníes



Huevos



Frutos secos de árbol



Leche



Pescado



Trigo



Mariscos



Soja



Sésamo

Cuando un cliente informa a un mesero que tiene una reacción alérgica a un alimento, el mesero debe:

- Preguntarle al chef o al gerente si el alimento que causa la alergia está en el plato pedido o si estuvo en contacto con él.
- Decirle al cliente lo que dijo el chef o el gerente.
- ¡No adivinar! ¡Hacer preguntas!

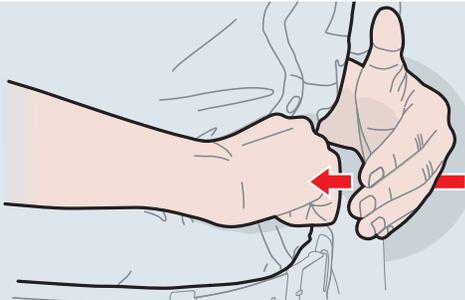
Para evitar la contaminación cruzada, el personal de cocina y los meseros deben:

- Verificar todos los ingredientes y leer las etiquetas de los alimentos envasados.
- Lavarse las manos.
- Cambiarse los guantes.
- Limpiar las superficies de trabajo.
- No usar un equipo o utensilio que se haya usado para preparar otros alimentos.
- No usar aceites con los que se prepararon otros alimentos.
- Evitar salpicaduras y derrames.
- Mantener el plato terminado separado de otros platos.

CHOKING



Ask “Are you choking?”
Call 911 if person can’t speak or breathe



Person is awake

Make a fist.
Place it above the person’s belly button, well below the rib cage.



Pull sharply, inward and upward.

Continue until the food comes out or the person can breathe.



Person stops responding

Open the mouth. If food is there, take it out. If food is not visible, tilt the person’s head back.



Pinch the person’s nose. Place your mouth over the person’s mouth and give two breaths.



Push hard repeatedly in chest center for 20 seconds. Check breathing. Repeat from start.



ALL EMPLOYEES MUST WASH HANDS

- **after using the toilet**
- **before handling food**
- **whenever they are soiled**

Aviso de derechos de los empleados: ausencia laboral debido a seguridad y enfermedad

Usted tiene derecho a la ausencia laboral debido a seguridad y enfermedad, y a permiso prenatal remunerado. Usted tiene este derecho sin importar su condición migratoria. Su empleador debe darle este aviso explicando sus derechos.

Duración de la licencia:

Ausencia laboral debido a seguridad y enfermedad

(para cuidarse o cuidar de cualquier persona a quien considere parte de su familia)

- Todos los empleadores deben proporcionar hasta **40 horas de ausencia laboral debido a seguridad y enfermedad** cada año calendario.
- Los empleadores con 100 empleados o más deben proporcionar hasta **56 horas de ausencia laboral debido a seguridad y enfermedad** cada año calendario.

*Las personas que trabajan a tiempo completo o parcial acumulan la ausencia laboral debido a seguridad y enfermedad a razón de **1 hora por cada 30 horas trabajadas**.*

Permiso prenatal remunerado

(atención médica para usted durante el embarazo)

- Todos los empleadores deben proporcionar un banco independiente de **20 horas de permiso prenatal remunerado**.

El año calendario de su empleador es: _____ a _____
Primer mes Último mes

Tiene derecho de ausencia laboral debido a seguridad y enfermedad **PAGADA** si:

- Su empleador tiene 5 empleados o más.
- Su empleador tiene menos de 5 empleados, pero un ingreso neto de 1 millón de dólares o más.
- Usted trabaja en la casa de otra persona como empleada doméstica; por ejemplo, como niñera, encargada de la limpieza o cuidadora.
Nota: la ley cubre a 1 o más trabajadores domésticos que trabajan en una casa.

Tiene derecho de ausencia laboral debido a seguridad y enfermedad **NO PAGADA** si:

- Su empleador tiene menos de 5 empleados y un ingreso neto de menos de \$1 millón.

Puede transferir la ausencia laboral debido a seguridad y enfermedad no usada al próximo año calendario.

Uso de ausencia laboral debido a seguridad y enfermedad:

- Úsela para su salud, incluso para recibir atención médica o para recuperarse de una enfermedad o lesión.
- Puede usar la licencia para cuidar a un familiar enfermo o para asistir a una cita médica.
- Úsela cuando su trabajo o la escuela de su hijo cierren debido a una emergencia médica pública.
- Úsela para su seguridad o para la seguridad de un familiar por violencia doméstica, contacto sexual no deseado, acecho o trata de personas.

Su empleador puede exigirle que notifique con anticipación el uso planificado de la licencia; por ejemplo, para asistir a una cita médica programada o a una audiencia judicial. No tiene que dar aviso anticipado en caso de uso inesperado de la licencia; por ejemplo, una enfermedad o una emergencia médica.

Tiene derecho a la privacidad. No está obligado a proporcionar a su empleador detalles sobre los motivos por los que usó la licencia.

Si usa más de tres días laborables seguidos de licencia, su empleador puede solicitar documentación.

Divulgaciones escritas obligatorias:

Su empleador debe:

- Entregarle una póliza por escrito que explique cómo usar sus beneficios.
- Informarle cuántas horas de licencia ha usado y cuántas le quedan en cada período de pago.

Sin represalias:

Es ilegal castigar o despedir a una persona por solicitar o utilizar licencia, o por reportar infracciones.



05/30/2025

Para obtener más información o presentar una queja, comuníquese con Protección al Consumidor y al Trabajador.

Visite nyc.gov/workers | Llame al 311 y solicite información sobre el "Ausencia laboral debido a seguridad y enfermedad" (Paid Safe and Sick Leave)

También puede hacer una denuncia ANÓNIMA.

THERE'S NO ROOM FOR HOUSING DISCRIMINATION IN NYC

Discrimination may sound like this:

"Installing a ramp is expensive and would ruin the appearance of the building."

"I don't accept vouchers."

"I don't have to make that repair; undocumented tenants don't have the same rights as other tenants."

"They told me the apartment was available, but then when they saw I was black, they changed their mind."

The NYC Human Rights Law makes it illegal to discriminate against a resident or housing applicant based on



National Origin,
Immigration Status,
Religion



Gender, Gender Identity,
Gender Expression,
Sexual Orientation



Disability



Occupation,
Source of Income



Presence of Children, Marital or Partnership Status, Age,
Race, Color, Pregnancy, Status as Victim of Domestic
Violence, Sexual Violence, and Stalking

FAIR HOUSING. It's Your Right. It's Your Responsibility. It's the Law.

NYC Commission on Human Rights | Department of Housing Preservation and Development

 @NYCCHR @NYCHousing

If you have experienced discrimination, call the Commission on Human Rights' Infoline at **212-416-0197**. Visit nyc.gov/fairhousingnyc.

#FairHousingNYC

NO HAY LUGAR PARA LA DISCRIMINACIÓN EN LA VIVIENDA EN LA CIUDAD DE NUEVA YORK

La discriminación puede sonar así:

“Instalar una rampa es costoso y dañaría la apariencia del edificio.”

“Yo no acepto cupones de vivienda.”

“No tengo que hacer esa reparación.”

Los inquilinos indocumentados no tienen los mismos derechos.”

“Me dijeron que el apartamento estaba disponible.

Luego cuando vieron que era negro, me dijeron que ya lo habían alquilado.”

Bajo la Ley de Derechos Humanos de la Ciudad de Nueva York es ilegal discriminar en contra de un residente o un solicitante de vivienda basado en



Origen Nacional,
Estatus Migratorio,
Religión



Género, Identidad de Género,
Expresión de Género,
Orientación Sexual



Discapacidad



Ocupación,
Fuente de Ingreso



Presencia de Niños, Estatus Marital o Civil, Edad, Color,
Raza, Embarazo, Estatus de Víctima de Violencia
Doméstica, Violencia Sexual y Acecho

EQUIDAD DE VIVIENDA. Es su derecho. Es su responsabilidad. Es la ley.



Comisión de
Derechos Humanos

Departamento de
Conservación y
Desarrollo de Viviendas

Si usted cree que ha sido discriminado, llame la Comisión de
Derechos Humanos línea de información al **212-416-0197**.
Visite nyc.gov/fairhousingnyc.

#FairHousingNYC

@NYCCHR @NYCHousing



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

EMPLOYER: _____

WORKSITE ADDRESS: _____

This worksite is covered by New York City prevailing wage/living wage requirements.

Under applicable law, workers employed on this site must be paid prevailing wages (or living wages) and benefits or supplements as set forth in the attached schedules.

If you believe that you have not received the required wages and benefits or supplements, please contact the New York City Comptroller's Office:

- Call (212) 669-4443 or
- Pick up a complaint form in our office:
1 Centre Street, Room 651, New York, NY 10007 or
- Download our complaint form and view all of our prevailing wage and living wage schedules at our website: comptroller.nyc.gov/wages

If you file a written complaint with our office, we will investigate.

It shall be unlawful for any employer to retaliate against, discharge, demote, suspend, take adverse employment action in the terms and conditions of employment or otherwise discriminate against any employee for reporting or asserting a prevailing wage/living wage violation, for seeking or communicating information regarding the employees' legal right to prevailing wages/living wages, or for participating in any investigatory or court proceeding relating to non-payment of prevailing wages/living wages.

WAGE SCHEDULES ATTACHED: _____



CIUDAD DE NUEVA YORK
OFICINA DEL CONTRALOR

EMPLEADOR: _____

DIRECCIÓN DEL LUGAR DE TRABAJO: _____

Este lugar de trabajo está cubierto por los requisitos de salario prevaleciente/salario vital de la ciudad de Nueva York.

Conforme a las leyes vigentes, los trabajadores empleados en este lugar deben recibir el salario prevaleciente (o salario vital) y los beneficios o complementos establecidos en las listas adjuntas.

Si cree que no ha recibido los salarios y beneficios o complementos adecuados, comuníquese con la Oficina del Contralor de la Ciudad de Nueva York:

- Llame al (212) 669-4443 o
- Complete un formulario de quejas en nuestra oficina:
1 Centre Street, Room 651, New York, NY 10007 o
- Descargue nuestro formulario de quejas y vea todas nuestras listas de salario prevaleciente y salario vital en nuestro sitio web:
comptroller.nyc.gov/wages

Si presenta una queja por escrito en nuestra oficina, la investigaremos.

Será una práctica ilícita para cualquier empleador tomar represalias, despedir, degradar, suspender, adoptar medidas laborales adversas en relación con los términos y condiciones de empleo o bien discriminar a cualquier empleado por denunciar o reclamar la violación de su salario prevaleciente/salario vital, por buscar o transmitir información relativa al derecho legal del empleado a percibir el salario prevaleciente/salario vital o por participar en cualquier investigación o procedimiento judicial relativo al salario prevaleciente/salario vital.

LISTAS DE SALARIO ADJUNTAS: _____

NYC FAST FOOD WORKERS' RIGHTS

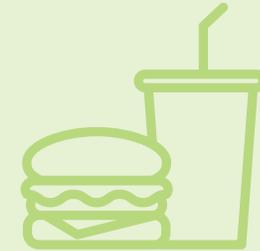
Under NYC's **Fair Workweek Law**, employers must give workers predictable schedules and the chance to work more hours. **The law now prohibits wrongful discharge.** Specifically, employers cannot fire or lay off workers or reduce their hours by more than 15% without just cause or a legitimate economic reason. Employers must post this notice where employees can easily see it at each NYC workplace.

Fast Food Workers Covered by the Law

Employees who perform at least one of the following tasks at a fast food establishment in NYC:

- cleaning
- cooking
- customer service
- food or drink preparation
- off-site delivery
- routine maintenance duties
- security
- stocking supplies or equipment

The law applies regardless of immigration status.



Your Rights



No firing or reduction of hours without just cause (Effective 7/4/2021)

Except for illegal or dangerous behavior, employers:

- Must give workers who passed their probation period retraining and an opportunity to improve.
- Can only fire underperforming workers after giving them multiple disciplinary warnings in a year.



No layoffs except for economic reasons (Effective 7/4/2021)

Layoffs must be in reverse order of seniority, with longest-serving workers laid off last.



Written explanation for firing, reduction of hours, or layoff (Effective 7/4/2021)



Written long-term regular schedule

Your regular schedule must be stable week to week so you know when you are expected to work. Your employer must give you an updated regular schedule if there are changes.



2 weeks' advance notice of work schedule

Work schedules must show all shifts for at least 7 calendar days and reflect your regular schedule, unless you requested



Priority to laid-off or current workers to work newly available shifts

- Your employer must advertise open shifts on posters in the restaurant and by text or email.
- Your employer may only hire new workers if no laid-off or current NYC workers accept the shifts by the posted deadline.

or agreed to any changes.



\$100 premium to work “clopening” shifts and the right to say no

A clopening involves closing and opening a restaurant on back-to-back shifts. You can agree to work and get premium pay or you can refuse.



Premium pay for schedule changes by employer with less than 14 days’ notice and the right to say no to additional hours

Amount of notice	Rate for additional hours	Rate if no impact on hours	Rate for reduced hours
Less than 14 days’ notice	\$10 per change	\$10 per change	\$20 per change
Less than 7 days’ notice	\$15 per change	\$15 per change	\$45 per change
Less than 24 hours’ notice	\$15 per change	\$15 per change	\$75 per change

You do not give up your right to premium pay when you agree to a schedule change.

Premium pay is not required when:

1. Your employer closes due to: threats to worker safety or employer property; public utility failure; shutdown of public transportation; fire, flood, or other natural disaster; government-declared state of emergency.
2. You request a schedule change to a shift in writing.
3. You trade shifts with another employee.
4. Your employer must pay overtime for a changed shift.

No Retaliation

It is illegal to punish or fire employees for exercising their rights under the law. Workers should immediately contact DCWP about retaliation.

File a Complaint

The Department of Consumer and Worker Protection (DCWP) enforces the law. For more information or to file a complaint:

- Visit nyc.gov/workers
- Contact **311** (212-NEW-YORK outside NYC) and ask for “Fair Workweek Law”
- Email OLPS@dcwp.nyc.gov

DCWP will keep your identity confidential unless disclosure is required by law.

You can also file an action in court. However, you cannot have a complaint with DCWP and a claim in court at the same time.



06/2023

DERECHOS DE LOS TRABAJADORES DE EMPRESAS DE COMIDA RÁPIDA DE LA CIUDAD DE NUEVA YORK (NYC)

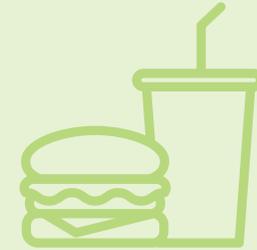
Según la **Ley de Semana Laboral Justa** (Fair Workweek Law) de NYC, los empleadores deben darles a los trabajadores horarios predecibles y la oportunidad de trabajar más horas. **La ley ahora prohíbe los despidos injustificados.** Específicamente, los empleadores no pueden despedir, suspender por razones de recorte de personal, ni reducir las horas de los trabajadores en más del 15 % sin causa justa o sin razones económicas legítimas. Los empleadores deben poner este aviso en un lugar donde los empleados puedan verlo fácilmente, en cada lugar de trabajo de NYC.

Trabajadores de empresas de comida rápida que cubre la ley

Los empleados que hacen al menos una de las siguientes tareas en un establecimiento de comida rápida en NYC:

- limpieza
- cocina
- servicio al cliente
- preparación de comidas o bebidas
- entregas fuera del lugar
- tareas de mantenimiento de rutina
- seguridad
- surtido de suministros o de equipo

La ley se aplica independientemente de la situación migratoria.



Sus derechos



No se puede despedir a los trabajadores ni reducir sus horas sin causa justa

(Entrada en vigor el 7/4/2021)

Excepto en el caso de conductas ilegales o peligrosas, los empleadores:

- A los trabajadores que han superado el período de prueba se les debe dar una nueva capacitación y oportunidad de mejorar.
- Solo se puede despedir a los trabajadores que tengan bajo rendimiento después de darles varias advertencias disciplinarias en un año.



No están permitidas las suspensiones por recortes de personal salvo por razones económicas (Entrada en vigor el 7/4/2021)

Las suspensiones por recorte de personal deben hacerse en orden inverso a la antigüedad, y los trabajadores más antiguos deben ser los últimos a quienes se suspenda.



Explicación escrita del despido, de la reducción de horas o de la suspensión por recorte de personal (Entrada en vigor el 7/4/2021)



Horario regular de largo plazo escrito

Su horario regular debe ser estable semana a semana para que sepa cuándo debe trabajar. Su empleador debe darle un horario regular actualizado si hay cambios.



Aviso del horario laboral con 2 semanas de antelación

Los horarios laborales deben mostrar todos los turnos durante al menos 7 días naturales y reflejar su horario regular, a menos que usted haya pedido o acordado algún cambio.



Se les debe dar prioridad a los trabajadores suspendidos por recorte de personal o actuales para trabajar en los nuevos turnos disponibles

- Su empleador debe anunciar que hay turnos disponibles mediante letreros en el restaurante y por mensaje de texto o correo electrónico.
- Su empleador solo puede contratar nuevos trabajadores si ningún empleado de NYC actual o suspendido por recorte de personal acepta el turno antes de la fecha límite anunciada.



Prima de \$100 por trabajar turnos “clopening” y derecho a decir que no

Un turno clopening implica cerrar y abrir un restaurante en turnos consecutivos. Usted puede aceptar trabajar y que le paguen una prima o puede negarse.



Pago de primas por cambios de horario que haga el empleador con menos de 14 días de aviso previo y derecho a rechazar las horas adicionales

Aviso previo	Tarifa por horas adicionales	Tarifa si no afecta a las horas	Tarifa por horario reducido
Aviso con menos de 14 días de antelación	\$10 por cambio	\$10 por cambio	\$20 por cambio
Aviso con menos de 7 días de antelación	\$15 por cambio	\$15 por cambio	\$45 por cambio
Aviso con menos de 24 horas de antelación	\$15 por cambio	\$15 por cambio	\$75 por cambio

Usted no renuncia a su derecho al pago de la prima cuando acepta un cambio de horario.

El pago de la prima no es obligatorio cuando:

1. Su empleador cierra por: amenazas a la seguridad de los trabajadores o a su propiedad; interrupción de los servicios públicos; corte del servicio de transporte público; incendio, inundación u otro desastre natural; estado de emergencia declarado por el gobierno.
2. Usted pide por escrito un cambio de horario para un turno.
3. Usted intercambia turnos con otro empleado.
4. Su empleador debe pagar horas extra por un turno cambiado.

Prohibición de las represalias

Es ilegal sancionar o despedir a los empleados por ejercer sus derechos según la ley. Los trabajadores deben comunicarse inmediatamente con el DCWP si se toman represalias.

Cómo presentar una queja

El Departamento de Protección al Consumidor y al Trabajador (DCWP) hace cumplir la ley. Para obtener más información o para presentar una queja:

- Visite [nyc.gov/workers](https://www.nyc.gov/workers)
- Llame al **311** (212-NEW-YORK desde fuera de NYC) y pregunte por la “Fair Workweek Law” (Ley de Semana Laboral Justa)
- Envíe un correo electrónico a OLPS@dcwp.nyc.gov

El DCWP mantendrá la confidencialidad de su identidad salvo que la ley exija que se revele.

También puede iniciar acciones judiciales. Sin embargo, no podrá presentar una queja al DCWP e iniciar acciones judiciales a la vez.



06/2023

YOU HAVE A RIGHT TO A PREDICTABLE WORK SCHEDULE

Under NYC's Fair Workweek Law, certain retail employers must give their employees predictable work schedules. Retailers must post this notice where employees can easily see it at each NYC workplace.*

Retail Employees Covered by the Law

All employees who work at a retail business that primarily sells consumer goods and employs at least 20 workers in NYC.

The law applies regardless of immigration status.

Retail Employees NOT Covered by the Law

Employees covered by certain collective bargaining agreements.



Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See below.

Your Rights



72 Hours' Advance Notice of Work Schedule

Your employer must:

- Give you your written work schedule at least 72 hours before the start of the schedule in the way your employer usually contacts you, which may include text and email.
- Post the schedule at your workplace where all workers can see it.



No Shift Additions with Less than 72 Hours' Notice

If your employer wants to add time or shifts to your schedule less than 72 hours before the change, you have the right to accept or decline the change. If you accept an additional shift, you must do so in writing.

- Include dates, shift start and end times, and location(s) of all shifts in the work schedule.
- Update and repost the schedule and contact all affected workers if the schedule changes.



No On-call Shifts

Your employer cannot require you to:

- Be ready and available to work at any time the employer demands, regardless of whether you actually work or report to work.
- “Check in” within 72 hours of a scheduled shift to find out if you should report for the shift.



No Shift Cancellations with Less than 72 Hours' Notice

Your employer cannot cancel a shift less than 72 hours before the start of the shift.

Exceptions:

Your employer may change your schedule with less than 72 hours' notice due to a closing under the following circumstances:

- Threats to worker safety or employer property
- Public utility failure
- Shutdown of public transportation
- Fire, flood, or other natural disaster
- Government-declared state of emergency

Your employer may also grant you time off at your request or allow you to trade shifts with another retail employee.

File a Complaint

The Department of Consumer and Worker Protection (DCWP) Office of Labor Policy & Standards (OLPS) enforces the Fair Workweek Law and other NYC labor laws.

To file a complaint with OLPS, go to nyc.gov/workers or **contact 311** (212-NEW-YORK outside NYC) and ask for “Fair Workweek Law.” OLPS will conduct an investigation and try to resolve your complaint. **OLPS will keep your identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

You can also file an action in court. However, you cannot have a complaint with OLPS and a claim in court at the same time.

Contact OLPS

Visit nyc.gov/workers, email FWW@dcwp.nyc.gov, or **contact 311** and ask for “Fair Workweek Law.”



**Your employer must also post this notice in any language that is the primary language of at least 5 percent of the workers at your workplace if available on the DCWP website.*

09/2023

TIENE DERECHO A UN HORARIO LABORAL PREDECIBLE

De conformidad con la Fair Workweek Law (Ley de Semana Laboral Justa) de NYC, los empleadores de tiendas deben darles a sus trabajadores horarios laborales predecibles. Los empleadores de tiendas deben publicar este aviso en un lugar en el que los trabajadores puedan verlo fácilmente, en cada lugar de trabajo de NYC.*

Trabajadores de tienda a los que protege la ley

Todos los trabajadores que trabajen en un tienda que venda principalmente bienes de consumo y que emplee al menos a 20 trabajadores en NYC.

Se aplica la ley independientemente de la condición migratoria.

Trabajadores de tienda a los que NO protege la ley

Los trabajadores cubiertos por ciertos tipos de contrato colectivo.



Los empleadores no pueden castigar, penalizar, tomar represalias ni medidas en contra de los empleados que puedan impedirles o disuadirlos de ejercer sus derechos de conformidad con la ley. Los trabajadores deben contactar inmediatamente a la Oficina de Normas y Asuntos Laborales (Office of Labor Policy & Standards, OLPS) en caso de recibir represalias. Ver a continuación.

Sus derechos

72

Notificación del horario laboral con 72 horas de antelación

Su empleador debe:

- Darle su horario laboral por escrito al menos 72 horas antes de comenzar su primer turno del horario y de la manera en la que su empleador suele contactarlo, la cual



No se pueden añadir turnos con menos de 72 horas de aviso

Si su empleador quiere añadir horas o turnos a su horario en menos de 72 horas antes del cambio, usted tiene derecho a aceptar o rechazar el cambio. Si usted acepta un turno adicional, debe hacerlo por escrito.

- puede incluir mensajes de texto y correo electrónico.
- Publique el horario en su lugar de trabajo de manera que todos los trabajadores puedan verlo.
- Incluya las fechas, las horas de inicio y finalización de cada turno y las ubicaciones de todos los turnos.
- Actualice y vuelva a publicar el horario y contacte a todos los trabajadores afectados si el horario cambia.



No se permiten los turnos de guardia

Su empleador no puede exigirle:

- Que esté listo y disponible en cualquier momento en el que se lo exija el empleador, independientemente de si usted realmente trabaja o se presenta a trabajar.
- “Reportarse” en el transcurso de 72 horas antes de un turno programado para saber si tiene que presentarse para el turno.



No se permite cancelar los turnos con menos de 72 horas de notificación previa

Su empleador no puede cancelar un turno en menos de 72 horas antes del inicio de este.

Excepciones:

Su empleador podrá cambiar su horario con menos de 72 horas de notificación previa si se vio obligado a cerrar por alguna de las siguientes circunstancias:

- Amenazas a la seguridad de los empleados o a su propiedad
- Fallas en los servicios públicos
- Paro de transporte público
- Incendio, inundación u otro desastre natural
- Estado de emergencia declarado por el gobierno

Su empleador también puede concederle tiempo libre a su solicitud o permitirle intercambiar turnos con otro empleado del comercio minorista.

Presentar un reclamo

La Oficina de Normas y Asuntos Laborales (OLPS) del Departamento de Protección al Consumidor y al Trabajador (Department of Consumer and Worker Protection, DCWP) hace cumplir la Fair Workweek Law y otras leyes laborales de NYC.

Para presentar un reclamo en la OLPS, visite nyc.gov/workers o llame al 311 (212-NEW-YORK fuera de NYC) y pregunte por la “Fair Workweek Law”. La OLPS llevará a cabo una investigación e intentará resolver su reclamo. **La OLPS mantendrá la confidencialidad de su identidad a menos que su divulgación sea necesaria para llevar a cabo alguna investigación o lo exija la ley.**

También puede presentar una demanda ante el tribunal. Sin embargo, no puede tener un reclamo en la OLPS y una demanda en el tribunal al mismo tiempo.

Contacte a la OLPS

Visite nyc.gov/workers, envíe un correo electrónico a FWW@dcwp.nyc.gov o llame al 311 y pregunte por la “Fair Workweek Law”.



**Su empleador también debe publicar este aviso en cualquier otro idioma que sea la lengua materna de al menos 5% de los trabajadores del lugar de trabajo, en caso de estar disponible en el sitio web del DCWP.*

NOTICE OF RIGHTS

This establishment is subject to the New York City Human Rights Law (“NYCHRL”) which is Title 8 of the Administrative Code of the City of New York.

If you wish to file a complaint with the Commission on Human Rights, you must do so within one year of the last alleged act of discrimination, or within three years for gender-based harassment. The Commission’s services are provided free of charge. To schedule an appointment, please call 311 or 212-416-0197.

If you wish to file a complaint in State Court, you must do so within three years after the last alleged act of discrimination. You may not file both with the Commission and in State Court.

To request a training, or to learn more about the Commission’s work, visit NYC.gov/HumanRights

EMPLOYMENT

It is illegal to discriminate against employees, interns, job seekers, and independent contractors on the basis of:

Age • Arrest or Conviction Record • Caregiver Status • Color • Credit History • Disability • Gender • Gender Identity • Height & Weight • Immigration Status • Marital or Partnership Status • Military Service • National Origin • Pregnancy • Race • Religion/Creed • Salary History • Sexual & Reproductive Health Decisions • Sexual Orientation • Status as Victim of Domestic Violence, Sexual Violence, or Stalking • Unemployment Status

HOUSING

It is illegal to discriminate against tenants, apartment seekers, and home buyers on the basis of:

Age • Color • Criminal Record • Disability • Gender • Gender Identity • Height & Weight • Immigration Status • Lawful Occupation • Lawful Source of Income (including housing subsidies) • Marital or Partnership Status • Military Service • National Origin • Pregnancy • Presence of Children • Race • Religion/Creed • Sexual Orientation • Status as Victim of Domestic Violence, Sexual Violence, or Stalking

PUBLIC ACCOMMODATIONS

It is illegal to discriminate in public spaces like stores, restaurants, parks, libraries, or taxis on the basis of:

Age • Color • Disability • Gender • Gender Identity • Height & Weight • Immigration Status • Marital or Partnership Status • Military Service • National Origin • Pregnancy • Race • Religion/Creed • Sexual Orientation

DISCRIMINATORY HARASSMENT

It is illegal to physically threaten or use force against someone or to damage property because of:

Age • Color • Disability • Gender • Gender Identity • Immigration Status • Marital or Partnership Status • National Origin • Pregnancy • Presence of Children • Race • Religion/Creed • Sexual Orientation

BIAS-BASED PROFILING BY LAW ENFORCEMENT

It is illegal for law enforcement to target someone because of:

Age • Color • Disability • Gender • Gender Identity • Housing Status • Immigration Status • National Origin • Pregnancy • Race • Religion/Creed • Sexual Orientation

LENDING PRACTICES

It is illegal to discriminate in lending practices or terms because of:

Age • Color • Disability • Gender • Gender Identity • Immigration Status • Marital or Partnership Status • Military Service • National Origin • Pregnancy • Presence of Children • Race • Religion/Creed • Sexual Orientation

RETALIATION

The law prohibits retaliation for opposing a discriminatory practice, filing a complaint of discrimination, assisting in an investigation of discrimination, or testifying in a proceeding related to a discrimination case.



@NYCCHR

AVISO DE DERECHOS

Este establecimiento está sujeto a la Ley de Derechos Humanos de la Ciudad de Nueva York la cual corresponde al Título 8 del Código Administrativo de la Ciudad de Nueva York.

Si usted quiere presentar una querrela con la Comisión de Derechos Humanos, tiene que presentarla dentro de un año después del acto discriminatorio, o dentro de los tres años por acoso por razón de género. Los servicios del Comision son gratis. Para programar una cita, por favor llamar 311 o 212-416-0197.

Si usted quiere presentar una querrela en Tribunal Estado, tiene que presentar dentro tres anos despues de discriminacion accion de acusacion. No puede presentar con el Comision y en Tribunal Estado.

Para preguntar formado, o aprender, mas acerca el trabajo del Comision, mira NYC.gov/DerechosHumanos

EMPLEO

Es ilegal discriminar en contra de empleados, pasantes, personas que buscan trabajo y contratistas independientes por:

Edad • Expediente de arrestos o condenas • Ser encargado del cuidado • Color • Historial crediticio • Discapacidad • Sexo • Identidad de género • Altura y peso • Estado migratorio • Estado civil o de relación • Servicio militar • Nacionalidad de origen • Embarazo • Raza • Religión/credo • Historial salarial • Decisiones sobre la salud sexual y reproductiva • Orientación sexual • Ser víctima de violencia doméstica, violencia sexual o acoso • Estar desempleado

VIVIENDA

Es ilegal discriminar en contra de los inquilinos, personas que buscan alquilar apartamento y propietarios de viviendas por:

Edad • Color • Antecedentes penales • Discapacidad • Sexo • Identidad de género • Altura y peso • Estado migratorio • Trabajo legal • Fuente de ingresos legal (incluidos los subsidios para la vivienda) • Estado civil o de relación • Servicio militar • Nacionalidad de origen • Embarazo • Presencia de niños • Raza • Religión/credo • Orientación sexual • Ser víctima de violencia doméstica, violencia sexual o acoso

ARREGLOS PÚBLICOS

Es ilegal discriminar en espacios públicos, como tiendas, restaurantes, parques, bibliotecas o taxis, por:

Edad • Color • Discapacidad • Sexo • Identidad de género • Altura y peso • Estado migratorio • Estado civil o de relación • Servicio militar • Nacionalidad de origen • Embarazo • Raza • Religión/credo • Orientación sexual

ACOSO DISCRIMINATORIO

No es legal para amenazar físicamente o use fuerza en contra alguien o danar propiedad porque de:

Edad • Color • Discapacidad • Sexo • Identidad de género • Estado migratorio • Estado civil o de relación • Nacionalidad de origen • Embarazo • Presencia de niños • Raza • Religión/credo • Orientación sexual

ELABORACIÓN DE PERFIL SESGADA POR PARTE DE LOS CUERPOS DEL ORDEN PÚBLICO

No es legal para aplicacion de la ley concentrar alguien porque de:

Edad • Color • Discapacidad • Sexo • Identidad de género • Estado de vivienda • Estado migratorio • Nacionalidad de origen • Embarazo • Raza • Religión/credo • Orientación sexual

PRÁCTICAS DE PRÉSTAMOS

No es legal discriminar a alguien en acciones de prestamo o condiciones porque de:

Edad • Color • Discapacidad • Sexo • Identidad de género • Estado migratorio • Estado civil o de relación • Servicio militar • Nacionalidad de origen • Embarazo • Presencia de niños • Raza • Religión/credo • Orientación sexual

REPRESALIAS

La ley prohíbe tomar represalias por oponerse a una práctica discriminatoria, presentar una queja por discriminación, ayudar con una investigación de discriminación o testificar en un proceso relacionado con un caso de discriminación.



@NYCCHR

You Have a Right to Temporary Changes to Your Work Schedule

Under NYC's Temporary Schedule Change Law, covered employees have a right to temporary changes to their work schedule for certain "personal events." Employers must post this notice where employees can easily see it at each NYC workplace.

Employees Covered by the Law

All employees who work 80+ hours per calendar year in NYC *and* who have been employed by their employer 120 or more days

The law applies regardless of immigration status.

Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See below.

Employees NOT Covered by the Law

- Government employees
- Certain employees subject to a collective bargaining agreement
- Certain employees in motion picture, television, and live entertainment industries

Definitions

Personal event

A "personal event" can be any of the following:

- The need to care for a child under the age of 18
- The need to care for a "care recipient," a person with a disability who is a family or household member and relies on you for medical care or to meet the needs of daily living

Temporary change

A "temporary change" means an adjustment to your usual schedule. This can include: using short-term unpaid leave, paid time off, working remotely, or swapping or shifting working hours.

- The need to attend a legal proceeding or hearing for public benefits to which the employee, a family member, or the employee's minor child or care recipient is a party
- Any other reason for which the employee may use leave under NYC's Paid Safe and Sick Leave Law

Your Rights

Temporary change to work schedule on up to two (2) occasions each calendar year



The change must be to accommodate a *personal event*. See Definitions. Your employer must grant requests for up to:

- Two (2) separate occasions, each totaling one (1) business day *OR*
- One (1) occasion for up to two (2) business days

Freedom from retaliation for additional schedule change requests



You can request additional changes to your schedule. Employers are not required to grant additional requests; however, they cannot retaliate against you.

Ability to propose type of temporary change

You can propose the type of *temporary change* you would like when you request it. See Definitions.

Your employer must:

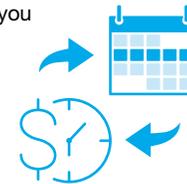
- Approve your proposal. *OR*
- Provide leave without pay.

Your employer may:

- Offer you the ability to use paid time off.
Note: The law does not require employers to offer paid time off, and you do not need to accept such an offer.

Your employer may NOT:

- Require you to use leave earned under NYC's Paid Safe and Sick Leave Law for a temporary schedule change.



If you need a temporary change to your work schedule:

As soon as you become aware of the need for a temporary schedule change, request one from your employer or direct supervisor either orally or in writing. Your request should include the date of the change, that the change is due to a personal event, and propose the type of temporary change you want (for example, to work from home), unless you would like to use leave without pay.

- Your employer must respond immediately.
- ***If you requested the schedule change orally (for example, in person or by phone),*** you must submit a written request no later than the second business day after you return to work. Include in the written request the date of the temporary schedule change and that the change was due to a personal event. Your employer must provide a written response within 14 days. *If you do not submit a written request, your employer is not required to provide a written response but cannot deny your request because you did not submit a written request.*
- Make sure to keep all of your schedules and any communications with your employer about scheduling.

File a Complaint

The Department of Consumer and Worker Protection (DCWP) Office of Labor Policy & Standards (OLPS) enforces NYC’s Temporary Schedule Change Law and other NYC workplace laws.

To file a complaint with OLPS, go to nyc.gov/workers or **contact 311** (212-NEW-YORK outside NYC) and ask for “Temporary Schedule Change Law.” OLPS will conduct an investigation and try to resolve your complaint. **OLPS will keep your identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

You can also file an action in court. However, you cannot have a complaint with OLPS and a claim in court at the same time.

Contact OLPS

Visit nyc.gov/workers, email OLPS@dcwp.nyc.gov, or **contact 311** (212-NEW-YORK outside NYC) and ask for “Temporary Schedule Change Law.”



You have a right to be given this notice in English and in any language that is the primary language of at least 5 percent of the workers at your workplace if the translation is available on the DCWP website.

03/2023

Tiene derecho a cambios temporales en su horario de trabajo

Español | Spanish

Según la NYC's Temporary Schedule Change Law (Ley del Cambio Temporal del Horario de la ciudad de Nueva York), los empleados cubiertos tienen derecho a cambios temporales en su horario de trabajo para ciertos "acontecimientos personales". Los empleadores deben poner este aviso en un lugar donde los empleados puedan verlo fácilmente, en cada lugar de trabajo de NYC.

Empleados cubiertos por la Ley

Todos los empleados que trabajen más de 80 horas por año calendario en NYC y que han trabajado para su empleador durante 120 días o más

La ley se aplica independientemente de la situación migratoria.

Los empleadores no pueden castigar, penalizar, tomar represalias ni tomar ninguna medida contra los empleados que pueda detenerlos o disuadirlos para que no ejerzan sus derechos según la ley. Los trabajadores deben comunicarse inmediatamente con el OLPS si se toman represalias. Consulte abajo.

Empleados NO cubiertos por la Ley

- Empleados gubernamentales
- Ciertos empleados sujetos a un acuerdo de negociación colectiva
- Ciertos empleados en la industria cinematográfica, televisiva y del entretenimiento en vivo

Definiciones

Acontecimiento personal

Un "acontecimiento personal" puede ser cualquiera de los siguientes:

- La necesidad de cuidar a un hijo menor de 18 años
- La necesidad de atender a un "receptor de atención", una persona con discapacidad que es un miembro del grupo familiar y depende de usted para recibir atención médica o para cubrir sus necesidades de la vida diaria

Cambio temporal

Un "cambio temporal" significa un ajuste a su horario normal. Esto puede incluir: usar permisos de corta duración no pagados, tiempo libre pagado, trabajo remoto o cambiar o modificar el horario laboral.

- La necesidad de asistir a un procedimiento judicial o a una audiencia por beneficios públicos en los que sea parte el trabajador, un familiar o el hijo menor o receptor de atención del empleado
- Cualquier otro motivo por el que el empleado pueda hacer uso del permiso según la NYC's Paid Safe and Sick Leave Law (Ley de Pago por Ausencia Laboral Debido a Seguridad y Enfermedad de la Ciudad de Nueva York)

Sus derechos

Cambio temporal del horario de trabajo hasta de dos (2) ocasiones cada año calendario



El cambio debe ser para acomodarse a un *acontecimiento personal*. Vea las definiciones. Su empleador debe conceder sus peticiones hasta de:

- Dos (2) ocasiones distintas, cada una por un total de un (1) día hábil O
- Una (1) ocasión hasta de dos (2) días hábiles

No sufrir represalias por pedir más cambios de horario



Puede pedir más cambios a su horario. No es necesario que los empleadores concedan más peticiones; sin embargo, no pueden presentar represalias contra usted.

Posibilidad de proponer un tipo de cambio temporal

Puede proponer el tipo de *cambio temporal* que quisiera cuando lo pida. Vea las definiciones.

Su empleador debe:

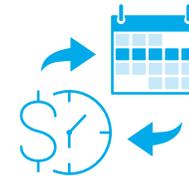
- Aprobar su propuesta. O
- Darle permiso sin paga.

Es posible que su empleador:

- Ofrezca la posibilidad de usar un día libre pagado.
Nota: La ley no exige que los empleadores ofrezcan días libres pagados y usted no necesita aceptar esa oferta.

Su empleador NO puede:

- Exigirle que use el permiso obtenido según la Ley de Pago por Ausencia Laboral Debido a Seguridad y Enfermedad de la Ciudad de Nueva York por un cambio de horario temporal.



Si necesita un cambio temporal de su horario de trabajo:

Tan pronto tenga conocimiento de la necesidad de un cambio temporal de horario, pídaselo a su empleador o supervisor verbalmente o por escrito. Su petición debe incluir la fecha del cambio, que el cambio se debe a un acontecimiento personal y proponer el tipo de cambio temporal que quiere (por ejemplo, trabajar desde casa), a no ser que quisiera usar un permiso sin paga.

- Su empleador debe responder inmediatamente.
- **Si pidió el cambio de horario verbalmente (por ejemplo, personalmente o por teléfono)**, debe presentar una petición por escrito a más tardar el segundo día hábil después de su reincorporación al trabajo. Incluya en su petición por escrito la fecha del cambio temporal de horario y que el cambio fue por un acontecimiento personal. Su empleador debe dar una respuesta por escrito en el plazo de 14 días. *Si no presenta una petición por escrito, no es necesario que su empleador le dé una respuesta por escrito pero no puede negar su petición porque no presentó una petición por escrito.*
- Asegúrese de guardar todos sus horarios y cualquier comunicación con su empleador sobre horarios.

Cómo presentar una queja

La Oficina de Normas y Asuntos Laborales (OLPS) del Departamento de Protección al Consumidor y al Trabajador (DCWP) hace cumplir la Ley del Cambio Temporal del Horario de la ciudad de Nueva York y otras leyes laborales de NYC.

Para presentar una queja con OLPS, vaya a nyc.gov/workers o llame al 311 (212-NEW-YORK fuera de NYC) y pregunte por la "Ley del Cambio Temporal del Horario".

La OLPS hará una investigación e intentará resolver su queja. **La OLPS mantendrá la confidencialidad de su identidad, a no ser que sea necesario revelarla para completar una investigación o que lo exija la ley.**

También puede iniciar acciones judiciales. Sin embargo, no puede tener una queja con OLPS y una demanda en la corte al mismo tiempo.

Póngase en contacto con OLPS

Visite nyc.gov/workers, envíe un correo a OLPS@dcwp.nyc.gov, o llame al 311 (212-NEW-YORK fuera de NYC) y pregunte por la "Ley del Cambio Temporal del Horario".



Tiene derecho a recibir este aviso en inglés y en cualquier idioma que sea el idioma principal de al menos el 5 por ciento de los trabajadores en su lugar de trabajo, si la traducción está disponible en el sitio web del DCWP.

03/2023

STOP SEXUAL HARASSMENT ACT NOTICE

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the poster requirement.

The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, require the violator to undergo training, and mandate other remedies such as community service.

Sexual Harassment Under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers

out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the NYC Commission on Human Rights. Call 212-416-0197 or visit NYC.gov/HumanRights to learn how to file

- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak

      @NYCCHR

[NYC.gov/HumanRights](https://www.nyc.gov/HumanRights)

a complaint or report discrimination. You can file a complaint anonymously.

State and Federal Government Resources

Sexual harassment is also unlawful under state and federal law, where statutes of limitations vary.

To file a complaint with the New York State Division of Human Rights, please visit the Division's website at www.dhr.ny.gov.

To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at www.eeoc.gov.



AVISO SOBRE LA LEY PARA DETENER EL ACOSO SEXUAL

Todos los empleadores deben proporcionar un aviso por escrito sobre los derechos de los empleados de conformidad con la Ley de Derechos Humanos de la Ciudad de Nueva York mediante un afiche exhibido y una hoja de información distribuida a cada empleado en el momento de la contratación. Este documento cumple con el requisito del afiche.

La Ley de Derechos Humanos de la Ciudad de Nueva York

La Ley de Derechos Humanos de la Ciudad de Nueva York, una de las leyes más rigurosas contra la discriminación del país, protege a todas las personas contra la discriminación debido al género, lo que incluye el acoso sexual en el lugar de trabajo, la vivienda y espacios públicos, como tiendas y restaurantes. Quienes infrinjan esta ley pueden ser responsables de sanciones civiles de hasta \$250,000 en el caso de una infracción intencionada. La Comisión también puede evaluar concederle a la víctima una indemnización por daños y perjuicios debido a angustia emocional y otros recursos, exigirle al infractor asistir a una capacitación y ordenar otras medidas, como servicio comunitario.

El Acoso Sexual Según la Ley

El acoso sexual, una forma de discriminación en función del género, es el comportamiento físico o verbal no deseado en relación con el género de una persona.

La Ley Prohíbe Represalias

Es contrario a la ley que un empleador tome medidas en su contra por oponerse o expresarse en contra del acoso sexual en el lugar de trabajo. La Ley de Derechos Humanos de la Ciudad de Nueva York prohíbe a los empleadores tomar represalias o discriminar “de cualquier forma a una persona” por oponerse a una práctica discriminatoria ilegal. Las represalias pueden manifestarse a través de acciones directas, como descensos o despidos, o a través de comportamientos más sutiles, como un aumento en la carga de trabajo o la transferencia a un lugar menos deseable. La Ley de Derechos Humanos de la Ciudad de Nueva York protege contra las represalias a las personas que creen de buena fe que el comportamiento de su empleador es ilegal, incluso si resultan estar equivocadas.

Denuncie el Acoso Sexual

Si cree que es víctima de acoso sexual, infórmele lo antes posible a un gerente, al representante de igualdad de oportunidades laborales de su lugar de trabajo o al Departamento de Recursos Humanos.

Algunos Ejemplos de Acoso Sexual

- Tocar a los empleados o clientes de manera inapropiada.
- Amenazar o actuar de manera adversa luego de que una persona rechaza una insinuación sexual.
- Hacer comentarios lascivos o sexuales sobre el aspecto, cuerpo o la forma de vestir de una persona.
- Condicionar ascensos u otras oportunidades en función de favores sexuales.
- Mostrar imágenes, dibujos o grafitis pornográficos en computadoras, correos electrónicos, teléfonos celulares, tableros de anuncios, etc.
- Hacer comentarios sexistas o despectivos en función del género.

Denuncie el acoso sexual ante la Comisión de Derechos Humanos de la Ciudad de Nueva York. Llame al 212-416-0197 o visite NYC.gov/HumanRights para saber cómo presentar una queja o denunciar un acto de discriminación. Usted puede presentar una queja de forma anónima.

Recursos del Gobierno Estatal y Federal

El acoso sexual también es ilegal en virtud de la ley estatal y federal.

Para presentar una queja ante la División de Derechos Humanos del Estado de Nueva York, visite el sitio web de la División en www.dhr.ny.gov.

Para presentar cargos ante la Comisión para la Igualdad de Oportunidades en el Empleo (EEOC) de los EE. UU., visite el sitio web de la EEOC en www.eeoc.gov.



@NYCCHR

NYC.gov/DerechosHumanos



Comisión de
Derechos Humanos

PREVAILING RATE OF WAGES



THE CITY OF NEW YORK OFFICE
OF THE COMPTROLLER

**WORKERS EMPLOYED ON THIS WORK
SITE MUST BE PAID PREVAILING WAGES
AND BENEFITS AS DETAILED IN THE
ATTACHED SCHEDULES**



THE PREVAILING WAGE SCHEDULES ARE ALSO AVAILABLE AT
WWW.COMPTROLLER.NYC.GOV/WAGES
FOR MORE INFORMATION CALL (212) 669-4443



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

EMPLOYER: _____

PROJECT ADDRESS: _____

This worksite is covered by New York City minimum average hourly wage requirements.

The minimum average hourly wage is not a prevailing wage or a minimum hourly wage that must be paid to each construction worker on this project; it is the average of the total compensation (including benefits) provided to all construction workers on this project divided by the total hours they all worked. The minimum average hourly wage is:

\$63.00 per hour in Manhattan south of 96th Street

\$47.25 per hour in Brooklyn and Queens

within one mile of the East River waterfront

Some construction workers on this project may legally earn less than the minimum average hourly wage. No one will know if there has been an underpayment to any construction worker until the Comptroller's Office has had the opportunity to review all payroll records after the entire project has been completed.

If you have questions or complaints about your wages and benefits on this project, please contact the New York City Comptroller's Office:

- Call us at (212) 669-4443 or
- Email us at laborlaw@comptroller.nyc.gov
- Come to our office at 1 Centre Street, Room 651, New York, NY 10007 or
- Visit our website: www.comptroller.nyc.gov/wages

All calls and communications will remain confidential



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

EMPLEADOR: _____

DIRECCIÓN DEL LUGAR DE TRABAJO:

Este lugar de trabajo está cubierto por los requisitos de salario mínimo promedio por hora de la ciudad de Nueva York.

El salario mínimo promedio por hora no es salario prevaeciente ni salario mínimo por hora que debe ser pagado a cada trabajador de construcción en este proyecto; se trata del promedio de la remuneración completa (incluyendo prestaciones) otorgada a todos los trabajadores de construcción en este proyecto y dividida entre el total de horas laboradas. El salario mínimo promedio por hora es:

\$63.00 por hora en Manhattan al sur de la calle 96.

\$47.25 por hora en Brooklyn y Queens dentro de una milla de distancia del río del Éste

Es legal si algunos de los trabajadores de construcción de este lugar de trabajo ganan menos que el salario mínimo promedio por hora. Nadie podrá saber si hubo pago salarial insuficiente a algún trabajador hasta que la oficina del Contralor haya tenido la oportunidad de revisar todos los registros de nómina una vez que la obra haya concluido.

Si tiene preguntas o quejas sobre sus sueldos y/o prestaciones en esta obra, por favor póngase en contacto con la oficina del Contralor de la ciudad de Nueva York:

- Llame al (212) 669-4443 o
- Envíe correo electrónico a laborlaw@comptroller.nyc.gov
- Visítenos en 1 Centre Street, Room 651, New York, NY 10007 o
- Visite nuestra página web: www.comptroller.nyc.gov/wages

Todas las llamadas y comunicaciones serán confidenciales.

কর্মক্ষেত্রে আপনার অধিকার সম্পর্কে জানুন
Conozca sus derechos en el trabajo
了解您的职场权利
瞭解您的職場權利
Know your rights at work
Connaître ses droits au travail
Konn dwa w nan travay la
귀하의 직장 권리 알기
کام پر اپنے حقوق کو جانیں
Poznaj swoje prawa pracownicze
اعرف حقوقك في العمل
Знайте свои трудовые права



MODEL LACTATION ACCOMMODATION POLICY

Workplaces with No Dedicated Space for Lactation

[If there is no multi-purpose space or dedicated room available for lactation, because providing one poses an undue hardship,¹ use this model policy]

[Name of Employer] _____ ("your Employer") provides accommodations to employees who pump during work hours. This includes the following lactation accommodation policy administered by [name of relevant department] _____.² This policy will be distributed to all current employees and all new employees at the start of their employment. This policy will be posted in the workplace [and on the intranet – to be deleted if the employer does not have an intranet].

In accordance with the New York City Human Rights Law, your Employer provides reasonable accommodations for employees' pregnancy, childbirth, or related medical conditions, including accommodations for lactation. Before an employee returns from

¹ It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

² Employees who are nursing have additional rights under the New York State Labor Law (N.Y. Lab. Law § 206-c), information available at <https://dol.ny.gov/expressing-breast-milk-workplace>. Federal law also has protections for expressing breast milk in the workplace, information available at <https://www.dol.gov/agencies/whd/pump-at-work>. For additional information on the New York City Human Rights Law, visit <http://www.NYC.gov/HumanRights>.

determine a schedule of breaks that reasonably accommodates the pumping needs of the employee.

- Your Employer does not require the employee to work while pumping. However, if the employee works while pumping, the employee will be paid at their regular rate for that time.

Lactation Accommodation Request Process

- Before an employee returns from parental leave, Your Employer will resend this policy to the employee in writing (electronically or by mail) and request information from the employee regarding the need for a reasonable accommodation to express breast milk at work.
- Employees may also independently request a lactation accommodation by contacting [name of relevant department/name of individual]. A request may be made orally or in writing to [name of relevant department/name of individual] and should indicate that the employee will need accommodations for expressing breast milk at work. *[If the employer has a request form, the employee may complete it and submit it to the employer in a manner designated by the employer.]*
- [Name of relevant department/name of individual] will respond to a request for a lactation accommodation **as quickly as possible**. Under no circumstances will this amount of time exceed five (5) business days.⁶ During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, your Employer will provide a temporary accommodation to the employee so that the employee can pump in a manner that meets the employee's immediate needs, unless that poses an undue hardship for the employer.⁷

chooses to express breast milk in the work place." N.Y. Lab. Law § 206-c(1). The Fair Labor Standards Act also requires employers to provide certain accommodations for employees to express breast milk. See U.S. Dep't of Labor, Wage and Hour Div., "Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work," <https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mother>.

⁶ N.Y.C. Admin. Code § 8-107(22)(c)(i)(2). See N.Y.C. Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy, https://www.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2021.pdf; see also N.Y. Lab. Law § 206-c.

⁷ It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (e) The nature and cost of the accommodation;
- (f) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on

- Your Employer recognizes that employees' lactation accommodation needs may change over time. Employees may request changes to their existing lactation accommodation at any point.

Undue Hardship⁸

- If your Employer believes that the lactation accommodation requested poses an undue hardship on your Employer, your Employer will discuss reasonable alternatives with the employee to accommodate the employee's needs, initiating a cooperative dialogue⁹ as quickly as possible, but absolutely no later than five (5) business days from the date of the request.¹⁰ The conversation between Your Employer and the employee will be in good faith, may occur orally or in writing, and will conclude with a final written determination of the accommodation granted or denied. This process gives the employee an opportunity to have an open

expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

- (g) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (h) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

⁸ It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

⁹ The term "cooperative dialogue" means the process by which a covered entity and a person entitled to an accommodation, or who may be entitled to an accommodation under the law, engage in good faith in a written or oral dialogue concerning the person's accommodation needs; potential accommodations that may address the person's accommodation needs, including alternatives to a requested accommodation; and the difficulties that such potential accommodations may pose for the covered entity. N.Y.C. Admin. Code § 8-102.

¹⁰ N.Y.C. Admin. Code § 8-107(22)(c)(i)(2). See N.Y.C. Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy, https://www.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2021.pdf.

discussion with your Employer about their needs, and your Employer has an opportunity to hear its employee and work with them to come up with an appropriate accommodation for the employee.

- There is no exception or undue hardship allowance to the obligations to provide 30 minutes of paid break time or to allow employee use of existing paid break and meal time in excess of 30 minutes.
 - Employers must provide 30 minutes of paid break time for lactation purposes without exception, and cannot claim undue hardship for this requirement. Additionally, employees must be allowed to use any existing paid break and meal periods beyond this 30-minutes.
- During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, your Employer will provide a temporary accommodation to the employee so that the employee can pump in a manner that meets the employee's immediate needs unless doing so poses an undue hardship.

MODEL LACTATION ACCOMMODATION POLICY

Workplaces with Multi-Purpose Space for Lactation

[If there is no dedicated lactation room but it is not an undue hardship¹ for an employer to make available a multi-purpose space (other than a restroom) for lactation and prioritize its use for that purpose, use this model policy.]

[Name of Employer] _____ ("your Employer") provides accommodations to employees who pump during work hours. This includes the following lactation accommodation policy administered by *[name of relevant department]* _____.² This policy will be distributed to all current employees and all new employees at the start of their employment. This policy will be posted in the workplace *[and on the intranet – to be deleted if the employer does not have an intranet]*.

In accordance with the New York City Human Rights Law, your Employer provides reasonable accommodations for employees' pregnancy, childbirth, or related medical conditions, including accommodations for lactation. Before an employee returns from

¹ It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

² Employees who are nursing have additional rights under the New York State Labor Law (N.Y. Lab. Law § 206-c), information available at <https://dol.ny.gov/expressing-breast-milk-workplace>. Federal law also has protections for expressing breast milk in the workplace, information available at <https://www.dol.gov/agencies/whd/pump-at-work>. For additional information on the New York City Human Rights Law, visit <http://www.NYC.gov/HumanRights>.

parental leave, your Employer will seek to discuss with the employee whether the employee needs a reasonable accommodation to express breast milk at work.

Your Employer will not tolerate discrimination or harassment against any employee based on the request for or usage of lactation accommodations. Any discrimination, harassment, or other violations of this policy can be reported to [*name of relevant department*]

³

Multi-Purpose Space Available for Use for Lactation

- Your Employer has designated [*insert room here*] _____ as a lactation room when employees are using the room to express breast milk. Your Employer will notify other employees that the room will be prioritized as a lactation room and may only be used for expressing breast milk during the time[s] when employees need the space and will post proper signage to ensure that it is free from intrusion and shielded from view of others while being used as a lactation room.⁴
- The employees who need the room for pumping will be given priority use of the room and their pumping needs will determine the availability of the room for other purposes.⁵
- Your Employer will ensure that the multi-purpose room can be locked from the inside so that the employee pumping can do so without intrusion.
- Your Employer will ensure that the multi-purpose room is clean, free from intrusion, and meets as many of the following requirements as possible: contains at least one electrical outlet, a surface to place a pump and other personal items, and a chair;⁶ and is near running water and a refrigerator to store breast milk. [*If employer does not have a refrigerator and cannot provide one because of an undue hardship,*⁷ your Employer will discuss alternative options for where the employee

³ Employees may also contact the New York City Commission on Human Rights by visiting <http://www.NYC.gov/HumanRights>.

⁴ N.Y.C. Admin. Code § 8-107(22)(b)(ii).

⁵ In the case that the multi-purpose space is used to provide accommodations related to disability or religion, such as for example, use as a prayer room, your Employer will make every effort to accommodate the needs of all employees.

⁶ N.Y.C. Admin. Code § 8-102. If the lactation room is too far from the employee, your Employer will discuss alternative options.

⁷ It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on

may store their breast milk, which may include, for example, providing a cooler and ice packs.]

- When more than one employee needs to use the multi-purpose room to express breast milk, your Employer will discuss alternative options with all employees who use the shared space to determine what arrangement addresses their needs. Options may include: finding an alternative space; sharing the space among multiple users with screens, curtains, or other privacy measures; or creating a schedule for use.
- If the multi-purpose room is unavailable for use as a lactation room when an employee needs it, your Employer will provide [*name alternative space*]
_____ for temporary use as a lactation room.
- Even if the multi-purpose room is available, an employee who wishes to pump at their usual workspace will be permitted to do this so long as it does not create an undue hardship for your Employer.⁸

30 Minutes Paid Break Time to Express Breast Milk

- Your Employer will provide 30 minutes of paid break time, and must further permit an employee to use existing paid break time or meal time for time in

expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

⁸ Discomfort expressed by a coworker, client, or customer generally does not rise to the level of “undue hardship” for the employer. It is the employer’s responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

excess of 30 minutes to express breast milk and will not unreasonably limit any additional time needed or the frequency that an employee expresses breast milk.⁹ Your Employer will speak with the employee to determine a schedule of breaks that reasonably accommodates the pumping needs of the employee.

- Your Employer does not require the employee to work while pumping. However, if the employee works while pumping, the employee will be paid at their regular rate for that time.

Lactation Accommodation Request Process

- Before an employee returns from parental leave, your Employer will resend this policy to the employee in writing (electronically or by mail) and request information from the employee regarding the need for a reasonable accommodation to express breast milk at work.
- Employees may also independently request a lactation accommodation by contacting [*name of relevant department/name of individual*] _____. A request may be made orally or in writing to [*name of relevant department/name of individual*] _____ and should indicate that the employee will need accommodations for expressing breast milk at work. [*If the employer has a request form, the employee may complete it and submit it to the employer in a manner designated by the employer.*]
- [*Name of relevant department/name of individual*] _____ will respond to a request for a lactation accommodation **as quickly as possible**. Under no circumstances will this amount of time exceed five (5) business days.¹⁰ During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, your Employer will provide a temporary accommodation to the employee so that the employee can pump in a manner that

⁹ N.Y.C. Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy, https://www.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2021.pdf. See section 206-c of the New York Labor Law. Information about the NYS law and guidelines can be found here: <https://dol.ny.gov/expressing-breast-milk-workplace>. It provides that “[a]n employer shall provide paid break time for thirty minutes, and permit an employee to use existing paid break time or meal time for time in excess of thirty minutes, to allow an employee to express breast milk for such employee’s nursing child each time such employee has reasonable need to express breast milk for up to three years following child birth. No employer shall discriminate in any way against an employee who chooses to express breast milk in the work place.” N.Y. Lab. Law § 206-c(1). The Fair Labor Standards Act also requires employers to provide certain accommodations for employees to express breast milk. See U.S. Dep’t of Labor, Wage and Hour Div., “Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work,” <https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers>.

¹⁰ N.Y.C. Admin. Code § 8-107(22)(c)(i)(2). See N.Y.C. Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy, https://www.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2021.pdf; see also N.Y. Lab. Law § 206-c.

meets the employee's immediate needs, unless that poses an undue hardship for the employer.¹¹

- Your Employer recognizes that employees' lactation accommodation needs may change over time. Employees may request changes to their existing lactation accommodation at any point.

Undue Hardship¹²

- If your Employer believes that the lactation accommodation requested poses an undue hardship on your Employer, your Employer will discuss reasonable alternatives with the employee to accommodate the employee's needs, initiating a cooperative dialogue¹³ as quickly as possible, but absolutely no later than five (5)

¹¹ It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

¹² It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

¹³ The term "cooperative dialogue" means the process by which a covered entity and a person entitled to an accommodation, or who may be entitled to an accommodation under the law, engage in good faith in a written or oral dialogue concerning the person's accommodation needs; potential accommodations that may address the person's accommodation needs, including alternatives to a requested accommodation;

business days from the date of the request.¹⁴ The conversation between your Employer and the employee will be in good faith, may occur orally or in writing, and will conclude with a final written determination of the accommodation granted or denied. This process gives the employee an opportunity to have an open discussion with your Employer about their needs, and your Employer has an opportunity to hear its employee and work with them to come up with an appropriate accommodation for the employee.

- There is no exception or undue hardship allowance to the obligations to provide 30 minutes of paid break time or to allow employee use of existing paid break and meal time in excess of 30 minutes.
 - Employers must provide 30 minutes of paid break time for lactation purposes without exception, and cannot claim undue hardship for this requirement. Additionally, employees must be allowed to use any existing paid break and meal periods beyond this 30-minutes.

- During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, your Employer will provide a temporary accommodation to the employee so that the employee can pump in a manner that meets the employee's immediate needs unless doing so poses an undue hardship.

and the difficulties that such potential accommodations may pose for the covered entity. N.Y.C. Admin. Code § 8-102.

¹⁴ N.Y.C. Admin. Code § 8-107(22)(c)(i)(2). See N.Y.C. Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy, https://www.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2021.pdf.

MODEL LACTATION ACCOMMODATION POLICY

Workplaces with Dedicated Lactation Room(s)

[If employer has a dedicated lactation room, use this model policy.]

[Name of Employer] _____
("your Employer") provides accommodations to employees who pump during work hours. This includes the following lactation accommodation policy administered by *[name of relevant department]* _____.¹

This policy will be distributed to all current employees and all new employees at the start of their employment. This policy will be posted in the workplace *[and on the intranet – to be deleted if the employer does not have an intranet]*.

In accordance with the New York City Human Rights Law, your Employer provides reasonable accommodations for employees' pregnancy, childbirth, or related medical conditions, including accommodations for lactation. Before an employee returns from parental leave, your Employer will seek to discuss with the employee whether the employee needs a reasonable accommodation to express breast milk at work.

Your Employer will not tolerate discrimination or harassment against any employee based on the request for or usage of lactation accommodations. Any discrimination, harassment, or other violations of this policy can be reported to *[name of relevant department]* _____.²

Use of Lactation Room

- Your Employer's dedicated lactation room[s] is/are located at *[insert location]* _____.
- The lactation room: is clean; is free from intrusion and shielded from view of others; contains at least one electrical outlet, a surface to place a pump and other personal

¹ Employees who are nursing have additional rights under the New York State Labor Law (N.Y. Lab. Law § 206-c), information available at <https://dol.ny.gov/expressing-breast-milk-workplace>. Federal law also has protections for expressing breast milk in the workplace, information available at <https://www.dol.gov/agencies/whd/pump-at-work>. For additional information on the New York City Human Rights Law, visit <http://www.NYC.gov/HumanRights>.

² Employees may also contact the New York City Commission on Human Rights by visiting <http://www.NYC.gov/HumanRights>.

items, and a chair; is near running water³ (i.e., for washing hands and/or cleaning breast pump parts); and can be locked from the inside.

- When more than one employee needs to use the designated lactation room, your Employer will discuss various options with all employees who use the lactation room to determine what arrangement addresses each employee's needs such that each employee has access to the lactation room amenities. Options may include: finding an alternative clean space free from intrusion; sharing the space among multiple users; or creating a schedule for use. Any accommodation will ensure each employee is afforded a reasonable amount of time to pump.
- Even if the lactation room is available, an employee who wishes to pump at their usual workspace will be permitted to do this so long as it does not create an undue hardship for your Employer.⁴
- A refrigerator is available for employees to store breast milk.⁵ [*If employer does not have a refrigerator and cannot provide one because of an undue hardship, your Employer will discuss alternative options for where the employee may store their breast milk, which may include, for example, providing a cooler and ice packs.*]

30 Minutes Paid Break Time to Express Breast Milk

- Your Employer will provide 30 minutes of paid break time, and must further permit an employee to use existing paid break time or meal time for time in excess of 30 minutes to express breast milk and will not unreasonably limit any

³ N.Y.C. Admin. Code § 8-102. If the lactation room is not near the employee's workspace, your Employer will discuss alternative options.

⁴ Discomfort expressed by a coworker, client, or customer generally does not rise to the level of "undue hardship" for the employer. It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

⁵ N.Y.C. Admin. Code § 8-107(22)(b)(i).

additional time needed or the frequency that an employee expresses breast milk.⁶ Your Employer will speak with the employee to determine a schedule of breaks that reasonably accommodates the pumping needs of the employee.

- Your Employer does not require the employee to work while pumping. However, if the employee works while pumping, the employee will be paid at their regular rate for that time.

Lactation Accommodation Request Process

- Before an employee returns from parental leave, your Employer will resend this policy to the employee in writing (electronically or by mail) and request information from the employee regarding the need for a reasonable accommodation to express breast milk at work.
- Employees may also independently request a lactation accommodation by contacting [name of relevant department/name of individual]. A request may be made orally or in writing to [name of relevant department/name of individual] and should indicate that the employee will need accommodations for expressing breast milk at work. *[If the employer has a request form, the employee may complete it and submit it to the employer in a manner designated by the employer.]*
- [Name of relevant department/name of individual] will respond to a request for a lactation accommodation **as quickly as possible**. Under no circumstances will this amount of time exceed five (5) business days.⁷ During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, your Employer will provide a temporary accommodation to the employee so that the employee can pump in a manner that

⁶ N.Y.C. Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy, https://www.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2021.pdf. See section 206-c of the New York Labor Law. Information about the NYS law and guidelines can be found here: <https://dol.ny.gov/expressing-breast-milk-workplace>. It provides that “[a]n employer shall provide paid break time for thirty minutes, and permit an employee to use existing paid break time or meal time for time in excess of thirty minutes, to allow an employee to express breast milk for such employee’s nursing child each time such employee has reasonable need to express breast milk for up to three years following child birth. No employer shall discriminate in any way against an employee who chooses to express breast milk in the work place.” N.Y. Lab. Law § 206-c(1). The federal Fair Labor Standards Act also requires employers to provide certain accommodations for employees to express breast milk. See U.S. Dep’t of Labor, Wage and Hour Div., “Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work,” <https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers>.

⁷ N.Y.C. Admin. Code § 8-107(22)(c)(i)(2). See N.Y.C. Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy, https://www.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2021.pdf; see also N.Y. Lab. Law § 206-c. .

meets the employee's immediate needs, unless that poses an undue hardship for the employer.⁸

- Your Employer recognizes that employees' lactation accommodation needs may change over time. Employees may request changes to their existing lactation accommodation at any point.

Undue Hardship⁹

- If your Employer believes that the lactation accommodation requested poses an undue hardship on your Employer, your Employer will discuss reasonable alternatives with the employee to accommodate the employee's needs, initiating a cooperative dialogue¹⁰ as quickly as possible, but absolutely no later than five (5)

⁸ It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

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- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

⁹ It is the employer's responsibility to prove that an accommodation poses an undue hardship. Inconvenience is not an undue hardship. In determining whether an accommodation poses an undue hardship, factors that may be considered include but are not limited to:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and
- (d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity. N.Y.C. Admin. Code § 8-102.

¹⁰ The term "cooperative dialogue" means the process by which a covered entity and a person entitled to an accommodation, or who may be entitled to an accommodation under the law, engage in good faith in a written or oral dialogue concerning the person's accommodation needs; potential accommodations that

business days from the date of the request.¹¹ The conversation between your Employer and the employee will be in good faith, may occur orally or in writing, and will conclude with a final written determination of the accommodation granted or denied. This process gives the employee an opportunity to have an open discussion with your Employer about their needs, and your Employer has an opportunity to hear its employee and work with them to come up with an appropriate accommodation for the employee.

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- During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, your Employer will provide a temporary accommodation to the employee so that the employee can pump in a manner that meets the employee's immediate needs unless doing so poses an undue hardship.

may address the person's accommodation needs, including alternatives to a requested accommodation; and the difficulties that such potential accommodations may pose for the covered entity. N.Y.C. Admin. Code § 8-102.

¹¹ N.Y.C. Admin. Code § 8-107(22)(c)(i)(2). See N.Y.C. Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy, https://www.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2021.pdf.