Rest of the State

\$15.00

\$15.00

# **New York & Federal Employment Notices**

A

DATE POSTED: Labor Laws change often. Please call your distributor twice a year to confirm if you are in compliance. All Rights Reserved. Unauthorized copies are illega







#### All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA

### **Employers must:**

NOTE: OSHA REQUIRES THAT REPRODUCTIONS OR FACSIMILES OF THE POSTER BE AT LEAST 8.5" X 14" INCHES WITH 10 POINT TYP

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



	New Ye	York City	
Large Emp	loyers (11 or more employees)	Small Employers (10 or less employees)	
M Tipped workers	inimum Wage \$15.00 Overtime after 40 hours \$22.50 \$15.00 Overtime after 40 hours \$22.50	Tipped workers	\$15.00
Long Isla	nd and Westchester County	Remainder of New York State	
м	inimum Wage \$15.00 Overtime after 40 hours \$22.50	Minimum Wage \$14.20 Overtime after 40 hou	urs \$21.3
Tipped workers		Tipped workers	
	\$15.00		\$14.3

Minimum wage for fast food workers

new minimum wage for fast food workers will become effective on December 31, 2016, with the rates shown above. These rates will increase annually until ney reach \$ 15.00 by the end of 2018 for New York City and by mid-2021 for the rest of the state. This fact sheet provides additional information about this ne

s a rast rood establishment? odd establishment is any business that meets the following criteria: Mainly serves food or drinks, including coffee shops, juice bars, donut shops and ice cream parlors; and It offers a limited service, where customers ask and pay before eating, including restaurants with tables but no full table service, and places that only provide take-away service; and It is part of a chain of 30 or more locations, including the individually owned establishments associated with a brand that has 30 or more locations

New York City

\$15.00

\$15.00

## **State Minimum Wage**

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

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

Extra Pay you may be owed in addition to the minimum wage rates shown above – You must be paid 11⁄2 times your regular rate of pay (no less than amounts shown above) for weekly hours over 40 (or 44

for residential employees). Exceptions: Overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate. • Call-in pay – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at

n wage rate for that day. • Spread of hours – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one

ir of pay at the min m wage rate • Uniform maintenance - If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available

LS 207 (12/22) Minimum Wage Poster Post in Plain View

## **Fast Food Minimum Wage**

rrequent Questions: What kind of workers affects this increase in the minimum wage? This charge affects everyone who works at a fast food chain location that meets the criteria described on page 1. This increase applies to workers who prepare food, work safety, store shelves, clean and perform other tasks.

Does this change apply to an owner of a single franchise location? This change applies to all locations in the fast food chain, regardless of ownership, if there are 30 or more location

Are food credits and reimbursement rates of uniform maintenance different for fast food workers than for other workers in the h No, these rates are the same for fast food and for hospitality workers.

What about the payment rate of the requirements for incoming calls and extended hours? Fast food workers are subject to the requirements for payment of calls and extended hours to the

Are fast food workers eligible for overtime pay? Yes, fast food workers must be paid at the same time and at half the regular rate for each hour they w

For more information: If you need additional assistance, or want to file a complaint, call 1-888-4NYSDOL (1-888-469-7365) or visit: www.labor.nv.gov/minimumwage

## **Whistleblower Protections**

otice of Employee Rights, Protections, and Obligatior nder Labor Law Section 740

Fast Food Worker? See Fast

Food Minimum Wage Post

atory Personnel Action by Employers ffective January 26, 2022

Date

12/31/202

12/31/2022

What is a Fast Food Est

ory action by employers: prohibition

s. For purposes of this section, unless the context specifically indicates otherwise s an individual who performs services for and under the control and direction of an employer for wages or other rel vees, or natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not

loyer" means any person, firm, partnership, institution, corporation, or association that employs one or more emplo ) "Law, rule or regulation" includes: (i) any duly enacted federal, state or local statute or ordinance or executive order; (ii) any rule or regulation promulgate uant to such statute or ordinance or executive order; or (iii) any judicial or administrative decision, ruling or order

"Public body" includes the following: ) runnoody microsoft microsoft of the second of the second s ntality thereof

) any federal, state, or local court, or any memory or employee intereor, or any grant or peut juy, ) any federal, state, or local regulatory, administrative, or public agency or authority, or instrumental ) any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer, ) any federal, state or local department of an executive branch of government; or

ision, board, bureau, office, committee, or commission of any of the public bodies described in subparagraphs (i) through (v) of this paragraph ory action" means an adverse action taken by an employer or his or her agent to discharge, threaten, penalize, or in any other manner dis nployee or former employee exercising his or her rights under this section, including (i) adverse employment actions or threats to take such ent actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion; (ii) ts to take such actions that would adversely impact a former employee's current or future employment; or (iii) thre ening to contact or contacting migration authorities or otherwise reporting or threatening to report an employee's suspected enship or immigration status or the susp

ation status of an employee's family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the socia ices law, to a federal, state, or local agency. isor" means any individual within an employer's organization who has the authority to direct and control the work perf

who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains. Prohibitions. An employer shall not take any retaliatory action against an employee, whether or not within the scope of the employee's job duties, be ployee does any of the following: atens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that th

ably believes poses a substantial and specific danger to the public he r testifies before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by objects to, or refuses to participate in any such activity, policy or practice. The protection against retaliatory action provided by paragraph (a) of subdivision two of this section pertaining to disclosure to a public body shall

not apply to an employee who makes such disclosure to a public body unless the employee has made a good faith effort to notify his or her employer by bringing he activity, policy or practice to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activit policy or practice. Such employer notification shall not be required where

) the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity

a) An employee who has been the subject of a retaliatory action in violation of this section may institute a civil action in a court of

des, or in the county in which the employer has its principal place of business. In any such action, the parties shall be entitled to a jury trial (c) It shall be a defense to any action brought pursuant to this section that the retaliatory action was predicated upon grounds other than the emp

b) the reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position, or front pay in lieu thereof

(e) the payment by the employer of reasonable costs, disbursements, and atto (f) a civil penalty of an amount not to exceed ten thousand dollars; and/or

) the payment by the employer of punitive damages, if the violation was willful, malicious or wantor loyer relief. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disburse

7. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee

der any collective bargaining agreement or employment contract. Publication. Every employer shall inform employees of their protections, rights and obligations under this section, by pr

ate Department of Labor, Division of Labor Standards. <u>Guidelines for Implementation of Employee Blood Donation Leave</u> i of the Labor Law mandates that employers provide leave time to employees for the purpose of donating blood. As the entity responsible for the

table of this possible of table to be a set of the beginning to be a set of the beginning and the beginning the beginning terms shall have the following meaning: a. Apheresis' is the collection of individual components of blood table is plasma, or double red blood cells. b. "Employee" means employee as defined in Labor Law § 2024 (1)(a), c. "Employee" means employee as defined in Labor Law § 2024 (1)(a), c. "Employee" means employee as Labor Law § 2024 (1)(b), d. "Employee" means employee as the physical location at which the employee works. Such location may be in a in one construction with some other convenient time in the protect obtained in the time of the third of the t location is affiliated and physically proximat ade in connection with a blood drive at the

time. III. Off-Premises Donation: Leave for off-premises donation shall be subject to the following: a. Employees taking leave for off-premises blood donation shall be permitted at least one leave period per calendar year of three hours duration during the employee's regular work schedule. b. Any additional leave time takes by employees in connection with off-premises blood donation shall be subject to all other rules and guidelines governing leave established by the employer or applicable collective bargaining agreements. c. Employers are not required to allow off-premises blood donation leave under Labor Law § 202-j to accrue if it is under the exploration.

raterioary year. Ion Leave Alternatives: As an alternative to providing the leave time otherwise required by Labor Law §202-j and the preceding guidelines fo od donation, an employer may elect blood donation leave alternatives. Such blood donation leave alternatives shall be subject to the following: tion, an employer may elect blood donation leave alternatives. Such blood donation leave alternatives shall be subject to the following: a neave alternatives shall be paid leave given without use of vacation, personal, sick, or other already existing leave accruals. b. Leave for ematives shall be given twice per calendar year. c. Leave for blood donation leave alternatives under this section of the guidelines shall be ing blood at a convenient time and place set by the employer and may include a blood drive at the employee's place of employment. For agraph, a 'convenient time and place set by the employer 'shall mean a time that will not require an employee to attend outside of his/her ating blood at a convenient time and place sort of the single sort of piloyee, or allow the employee to take leave to make an off-premises donation in accordance with section III. e. Off-premises donation leave to all the terms and conditions applicable to off-premises donation leave time set forth elsewhere in these guidelines. I. Employees donating d donation leave alternative must be allowed sufficient leave time ecessary to donate blood, to recover, including partaking nourishment after tim to work. g. Nothing herein shall prevent two or more employers from coordinating or cosponsoring a blood donation leave alternative sat tion. h. Notwithstanding the discretion afforded employers under this guideline to elect to offer blood donation leave alternatives, employers natives are encouraged to offer their employers under this guideline to elect to offer blood donation leave alternatives, employers should they wish to do so. Such leave would be subject to all the provisions applying to off-premises blood donation set forth elsewhere in these o fany blood donation leave alternative shall be prominently posted in the workplace at least two weeks beforehand. To count towards the two *e* alternatives in a calendar year under this section, notice of the final such leave must be provided prior to December 1 of that year. No blood donation leave alternative significant number of employees are out of the office, such as during the last week of December or cant holidays, j. To meet the requirements of § 202-j through blood donation leave alternatives, at least two such alternatives provided during a take place at least sixt dava gaart.

V. Notice and Recordkeeping: The following notice and recordkeeping requirements shall apply to all leaves for blood donation: Notice: a. Employers must n employees in writing of their right to take blood donation leave. Such notification must be made in a manner that will ensure that employees see it, such as by posting in a prominent spot in an area where employees congregate, inclusion of notice with employees' paychecks, mailings, notices in employee handbooks or other comparable method. b. Such notice must be provided to all employees within sixty (60) days after issuance of these guidelines, and shall be updated necessary. If the employer provides writen notice directly to the employee, it shall do so at the time of hire to new employees, and shall be updated in governed by these guidelines. If leave is for off-premises blood donation, reasonable notice would consist of notice work as three atthree working days prior to the day on which leave will be taken. If leave is for a blood donation leave alternative, reasonable notice would consist of notice two days prior to the day on w leave will be taken. J. In cases where the employee is possibil to be filled during the donation, the employeer shall require notice no longer than is necessary to feasibly. The notice requirements, as "Notice in undividended" as the employee is possible to be well during the donation, the employeer shall require notice no longer than is necessary to feasibly filthe position, but in no case longer than the working days. The employeer shall notify all covered employees of this extended notice requirements, there days notice is insufficient to allow the employee is possible to easonable extended notice requirements, and the notice requirements, of these guidelines. . Should the employee experience an emergency requiring that he/she donate blood for his or her own surgery or that of a family member, employers must provide reasonable accommodations for a shorter notice period. Recordkeeping: A member employee reasonable notice evoid compliance with the notice requirements of these guidelines e. Should the employee experience an emergency requining mat nerse usuate her own surgery or that of a family member, employers must provide reasonable accommodations for a shorter notice period. Recordkeeping require employees making off-premises blood donation to show proof of their blood donation in the form of notice of blood donation or a good donation from the blood bank or some other proof sufficient to the purpose. VI. Employee Discretion: Nothing herein shall prevent an employer from establishing policies or practices which support more frequent donate employees including, but not limited to, paid leave, additional blood donation leave, shorter notice periods, or more generous leave periods for preparation for surgery on the employee or an employee's family member. VII. Collective Bargaining: Nothing herein shall prevent employees and employees, or their representatives, from making the terms and con blood donation leave a matter of collective bargaining, provided however, that any collectively bargained conditions affecting blood donation I diminish the minimum requirements set forth in Labor Law 202-j and these guidelines.

Albany District State Office Campus Bldg. 12, Room 185A Albany, NY 12240 (518) 457-2730	Binghamton District Sub-District 44 Hawley St. Room 909 Binghamton, NY 13901 (607) 721-8014	New York City District 75 Varick Street, 7th Floor New York, NY 10013 (212)775-3880	Garden City 400 Oak Street Suite 101 Garden City, NY 11530-6551 (516) 794-8195
Buffalo District 65 Court Street Room 202 Buffalo, NY 14202 (716) 847-7141	Rochester Sub-District 109 S. Union Street Room 318 Rochester, NY 14607 (585) 258-4550	Syracuse District 333 East Washington Street Room 121 Syracuse, NY 13202 (315) 428-4057	White Plains District 120 Bloomingdale Road White Plains, NY 10605 (914) 997-9521

http://www.labor.state.nv.us

there is an imminent and serious danger to the public health or safety;

(b) the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the (c) such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor; (d) the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other p

as set forth in subdivision five of this section within two years after the alleged retaliatory action was taken. (b) Any action authorized by this section may be brought in the county in which the alleged retaliatory action occurred, in the county in which the

f any rights protected by this section. 5. Relief. In any action brought pursuant to subdivision four of this section, the court may order relief as follows

a) an injunction to restrain continued violation of this section

c) the reinstatement of full fringe benefits and seniority rights;
 d) the compensation for lost wages, benefits and other remuneration

nines that an action brought by an employee under this section was without basis in law or in fac

in easily accessible and well-lighted places cu

## **Blood Donation Leave**

## Contact OSHA. We can help.

### 1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov



## **Federal Minimum Wage**

ENFORCEMENT:

#### \$7.25 PER HOUR BEGINNING JULY 24, 2009 The law requires employers to display this poster who ees can readily see it

OVERTIME PAY: At least 1<sup>1</sup>/<sub>2</sub> times the regular rate of pay for all hours worked over 40 in a workweek.

#### CHILD LABOR:

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

#### TIP CREDIT

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

#### NURSING MOTHERS:

The FLSA requires overs to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT: The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed of money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSAs child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retailating against or discharging workers who file a complaint or participate in any proceeding under the FLSA. ADDITIONAL INFORMATION:

 Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
 Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico Some state laws provide greater employee protections; employers must comply with both • Come stated tames provide greater entriprogree protections, entriprogree mode company with rout.
• Some employees incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.

Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd VISION • WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION · WAGE AND HOUR DIVI

## **Pregnancy and Employment Rights**

#### It is illegal for an employer to refuse to provide a reasonable acc

Pregnancy and Employment Rights accommodation or fire you because of your pregnancy, having a child, or related medical conditions. nan Rights Law. Your employer may be obligated to grant you a reasonable accommodation to allow you to preserve the accommodation of the accommodation to allow you to preserve the accommodation of the accommodatio Pregnant women and those recovering from tion under the NYC Human Rights Law. Your employer n You may be entitled to ation to allow you to perform the essential requisites of your job. Bathroom breaks 
 Breaks to facilitate increased water intake
 Periodic rest if you stand for long periods of time
 Assistance with manual labor
 Changes to your work environment
 Unpaid medical leave

If you believe that you have been discriminated against, call 311 or www.nyc.gov/311. NYC COMMISSION ON HUMAN RIGHTS

### **Workers' Compensation**

If you are injured on the job, you must follow these simple steps: **OBTAIN** first aid or other necessary medical treatment as soon as possible. The treating health care provider must be authorized by the Workers' Compensation Board, except in an emergency situation. You can find out more information about authorized providers and locate authorized providers in the Injured Workers or Health Care Providers sections of this website or by calling 1-800-781-2362. If your employer has been authorized to participate in an Preferred Provider Organization (PPO) or Alternate Dispute Resolution (ADR) program you may be required to obtain medical treatment from a participating health care provider. Participating employers are required to notify their employees, in writing, of all information pertaining to a PPO or ADR program. Also, if you are in need of diagnostic tests or prescription medicine, your employer or you workers' compensation insurance carrier may require you to obtain your tests or your medicine from a diagnostic network or designated pharmacies or a

If you need to take time off from work to care for a family member, you may be entitled to

Paid Family Leave is employee-funded insurance that provides job-protected,

Employees with a regular work schedule of 20 or more hours per week are eligible

after 26 consecutive weeks of employment. • Employees with a regular work schedule of less than 20 hours per week are eligible

In 2021, you can take up to 12 weeks of Paid Family Leave and receive 67% of vour

Citizenship or immigration status is not a factor in your eligibility.

FILL IN INFORMATION

2021 STATEMENT OF RIGHTS

BOND with a newly born, adopted or fostered child;

naid family leave benefits

paid time off to:

# network of pharmacies they have contracted with. It is required that you receive written notice if you are required to utilize a diagnostic network or designated pharmacies or a network of pharmacies. The cost of necessary medical services

related, whichever is later). **COMPLETE** a claim for workers' compensation on Form C-3 and mail it to the nearest office of the Workers' Compensation Board, if there is lost-time. If a claim is not filed within two years from the date of the injury or disablement from an occupational disease, (or after disablement and after you knew, or should is paid by your employer or your employer's insurance carrier, if the case is no isputed. Health care providers may request that injured workers sign form A-9. have known that the disease was work-related), you may lose your right to

> THEREAFTER . . . . Follow doctor's instructions to speed full recovery. Attend an Independent Medical Examination if you are required to do so. Go back to work as soon as you are able. Attend such hearings as may be held in the case, when you are notified to appear.

For more information contact: NYS Workers' Compensation Board, 20 Park Street, Albany, NY 12207. Customer Service Toll–Free Number (877) 632-4996

### **Equal Employment Opportunity**

#### Know Your Rights: Workplace Discrimination is Illegal

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The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Who is Protected?

ployees (current and former), including managers and temporary employees • Job applicants • Union mbers and applicants for membership in a union

What Organizations are Covered? • Most private employers • State and local governments (as employers) • Educational institutions (as employers) • Unions • Stating agencies

What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

Under the EEOC's laws, an employer may not uscriminate against you, regulated or you and the status, on the bases of: • Race • Color • Religion • National origin • Sex (including pregnancy and related conditions, sexual orientation, or gender identity) - Age (40 and older) - Disability - Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history) - Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

What Employment Practices can be Challenged as Discriminatory? All aspects of employment, including: • Discharge, firing, or lay-off • Harassment (including unwelcome verbal or physical conduct) • Hiring or promotion • Assignment Distriatige, litting, or lay-out - halassinate (incoming annexative to be commodation for a disability or Pay (unequal wages or compensation) + Failure to provide reasonable accommodation for a disability or sincerely held religious belief, observance or practice + Benefits - Job training - Classification + Referral Obtaining or disclosing genetic information of employees - Requesting or disclosing medical information of employees - Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

New York State Department of Labor, Division of Labor Standards Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place

Section 206-c of the New York State Labor Law provides as follows: Right of Nursing Mothers to Express Breast Milk. An employer shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work rare, where an employee can express milk in privacy. No employer shall discriminate in any way against an employee who chooses to express breast milk for the workplace. This law is applicable to all public and private employers in New York State, regardless of the size or nature of their business. In administering this statute, the Department applies the following interpretations and guidelines:

I. Notice A. Employers shall provide written notification of the provisions of Labor Law §206-c to employees who are returning to work, following the birth of a child, and their right to take unpail leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location. B. An employee wishing to avail herself of this benefit is required to give her employee radvance notice. Such notice shall preferably be provided to the employeer prior to the employeer advance notice. Such notice shall preferably be provided to the opportunity to establish a location and schedule leave time amongst multiple employees if needed.

**B. Reasonable Unpaid Break Time** A. Reasonable unpaid break time is sufficient time to allow the employee to express breast milk. Each break shall generally be no less than twenty minutes. If the room or ther location is not in close proximity to the employee's work station (e.g. as in a shared work location with a common lactation room) each break shall generally be no less than thirty minutes. Employees can elect to take shorter unpaid breaks for this purpose. B. The number of unpaid breaks an employee will need to take for expression purposes varies depending on the amount of time the employees shall provide unpaid breaks time at hemotores. In most circumstances, employers shall provide unpaid break time at least once every three hours if requested by the employee. C. Upon election of the employee, an employee shall allow the employee to work before or after her

Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx

# Call 1–800–669–4000 (toll free) 1–800–669–8820 (TTY) 1–844–234–5122 (ASL video phone) Visit an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compense of other applicants or employees.

Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

Protected Veteran Status The Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Ammed Forces service

Retaliation Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1–800–397–6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://docphelgesk.ddi.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact US" webpage at https://www.doi.gov/agencies/ofCcp/contact.

#### PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on basis of disability in any program or activity which receives Federal financial assistance. Discriminat prohibited in all aspects of employment against persons with disabilities who, with or without reason accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federa financial assistance, you should immediately contact the Federal agency providing such assistance.

#### **Right To Express Breast Milk**

normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within the employer's normal work hours. E This benefit is available to the employee during their basic work week and any overtime or additional hours worked. F. An employee may be required to postpone scheduled unpaid break time for no more than thirty minutes if she cannot be spared from her duties until appropriate coverage arrives.

III. Rescandble Efforts and Privacy A. All employers are required to make reasonable efforts to provide a private room or other location for the purpose of expression of breast mik. "Reasonable efforts to provide that the room or other location must be provided for use of employees expressing breast mik so long as it is neither significantly impracticable, inconvenient, or expensive to the employer to do so. Relevant factors in determining significant timpracticable, inconvenient, or expensive to the employer to do so. Relevant factors in determining significant business; 2. The overall size and physical layout of the business; 3. The hype of facility where the business; how used; 4. The size and composition of the employer's workforce; 6. The business' general hours of operation and the employees' normal work shifts; 6. The relative cost of providing a room or other space for the de ''Private' shall mean that the room or other location shall not be open to other individuals frequenting the business, whether as employees, customers, or other members of the public. To issure privacy, the room or location should have a door equipped with a functional lock. If a door with a functional lock is not available (in the case of a fully enclosed cubicle) as a last resort an employer must utilize a sign advising the room or location is in use and not accessible to other employees or the public.

NL Close Proximity A. Any room or location provided for the expression of breast milk must be in close proximity to the work area of the employee(s) using it for the expression of breast milk. B. Close proximity means the room or location must be in walking distance and the distance to the location should not appreciably lengthen the break time. C. Should an employer have more than one employee at a time needing access to a lactation room or other location, the employer may dedicate a centralized location for use by all such employees, provided however, that the employer shall make every effort to locate such space at a reasonable distance from the employees using it. D. Employers located in shared work areas such as office buildings, mails, and similar premises may cooperate with one another to establish and maintain a dedicated lactation room, provided however, that such rooms must be located at reasonable distance from the employers using the room. Each employer such the requirements of these guidelines room will retain individual responsibility for ensuring that it meets all the requirements of these guidelines.

with regard to their employees. Use of a common dedicated lactation room pursuant to this paragraph will not reduce, mitigate, or otherwise affect the employer's obligations under these guidelines.

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

VI. Suggested Employer Activities A. In addition to the activities set forth in the guidelines above, and VI. Suggested Employer Activities A. In addition to the activities set forth in the guidelines above, an employer may consider implementing one or more of the following activities in connection with the need of employees who are breast feeding children: 1. Providing educational information in the lactation room or rare aregarding the benefits of breastheeding and tips on expressing and storing breast milk including posters, newsletters, books, and referral information to health education programs about breastfeeding. 2. Allowing flexible work hours, job sharing, and/or part-time scheduling to accommodate employees wit children of nursing age. 3. Providing an easily accessible sink to wash tubing used for pumping breast milk. Allowing mothers could contact for assistance. 6. Including protection for pregnant and breastfeeding mothers in the company's sexual breastene topicy. 7. Designation of a breastfeeding coordinator to allow consistent and coordinated implementation of this benefit in the workplace. B. Not all questions can be anticipated; therefore these contact the Division of Labor Standards office nearest you.

Albany District, State Office Campus Bldg. 12, Room 185A Albany, NY 12240 (518) 457-2730. Binghamton District, Sub-District 44 Hawley St. Room 909 Binghamton, NY 13901 (607) 721-8014. New York KIY District, 75 Varick Street, 7th Floor New York, NY 10013 (212)775-3880. Garden City, 400 Oak Street Suite 101 Garden City, NY 11530-6551 (516) 794-8195. Buffalo District, 65 Court Street Room 202 Buffalo, NY 14202 (716) 847-7141. Rochester, Sub-District 109 S. Union Street Room 318 Rochester, NY 13202 (315) 428-4057. White Plains District, 333 East Washington Street Room 121 Syracuse, NY 13202 (315) 428-4057. White Plains District, 120 Bloomingdale Road White Plains, NY 10605 (914) 997-9521. http://www.labor.state.ny.us

Age of Minor Girls and Boys		Industry or Occupation	Maximum			Permitted Hours
			Daily Hours	Weekly Hours	Days per Week	Permitted Hours
Attending	14 and 15	All occupations except farm work, newspaper carrier and street trades	3 hours on school days. 8 hours on other days. 4 hours on days preceding school	18¹	6	7 AM to 7 PM
School, When school is in session:	16 and 17	All occupations except farm work, newspaper carrier and street trades.	<ul> <li>days: Monday, Tuesday, Wednesday, Thursday <sup>2</sup>.</li> <li>8 hours on: Friday, Saturday, Sunday and Holidays. <sup>4</sup>.</li> </ul>	284	64	6 AM to 10 PM <sup>3</sup>
Attending School, When school is not in session	14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
(vacation):	16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours <sup>4</sup>	484	64	6 AM to Midnight 4
Not Attending School:	16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours <sup>4</sup>	484	64	6 AM to Midnight <sup>4</sup>
Farm Work:	12 and 13 14 to 18	Hand harvest of berries, fruits and vegetables. Any farm work	4 hours			June 21 to Labor Day, 7 AM to 7 PM. Day after Labor Day to June 20, 9 AM to 4 PM.
Newspaper Carriers:	11 to 8	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days. 5 hours on other days.			5 AM to 7 PM or 30 minutes prior to sunset, whichever is later
Street Trades:	14 to 18	Self-employed work in public places selling newspapers or work as a bootblack	4 hours on school days. 5 hours on other days.			6 AM to 7 PM

\*If a minor is seriously injured or dies while illegally employed, the penalty is three times the maximum penalty. Also, Section 14A of the Workers' Compensation ensation and death benefits for minors illegally em

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

For more information about New York State Child Labor Laws and provisions please visit the Department of Labor's website at http://www.labor.ny.gov

arromation about New York State Unite Labor Laws and provisions please visit the Department of Labor's website at http://www.labor.ny.gov. a questions, please send them to one of the offices listed below at: State Department of Labor, Division of Labor Standards	Rochester Sub-DistrictSyracuse DistrictWhite Plains District276 Waring Road Room 104333 East Washington Street Room 121120 Bloomingdale Road White Plains, NY 10605 (315) 428-4057White Plains, NY 10605 (914) 997-9521
If you have questions, please send them to on	New York City District         Sub-District           75 Varick Street         276 Waring Rc           7th Floor         Room 104           New York, NY 10013         Rochester, NY 1.
	Garden City District 400 Oak Street Suite 101 Garden City, NY 11530 (516) 794-8195
	<b>Buffalo District</b> 290 Main Street Room 226 Buffalo, NY 14202 (716) 847-7141
violation: maximum \$1,000* ond violation: maximum \$2,000* d or more violations: maximum \$3,000*	Albany District State Office Campus Bldg. 12 Room 185A Albany, NY 12240 (518) 457-2730

## **Paid Family Leave**

· Job Protection: Return to the same or comparable job after you take leave . You keep your health insurance while on leave (you may have to continue paying your portion of the premium costs, if any). · Your employer is prohibited from discriminating or retaliating against you for esting or taking Paid Family Leave · You do not have to exhaust sick leave or vacation accruals before using Paid Family

 BOND with a newly born, adopted or tostered child;
 CARE for a family member with a serious health condition; or
 ASSIST loved ones when a spouse, domestic partner, child or parent is called to active
military service abroad.
 Paid Family Leave may also be available for use in situations when you or your minor
dependent child are under an order of quarantine or isolation due to COVID-19. See
PaidFamilyLeave.ny.gov/COVID19 for full details. Paid Family Leave Request Process: 1. Notify your employer at least 30 days in advance, if foreseeable, or as soon as 2. Complete and submit the Request for Paid Family Leave (Form PFL-1) to your

employer. 3. Complete and attach the additional forms as required and submit to the insurance carrier listed below within 30 days of starting your leave, to avoid losing benefits. 4. In most cases, the insurance carrier must pay or deny benefits within 18 calendar days of receiving your completed request or your first day of leave, whichever is later. You may obtain all forms from your employer, their insurance carrier listed below or online at PaidFamilyLeave.ny.gov/Forms.

by a neutral arbitrator. The insurance carrier listed below will provide you with information about requesting arbitration. If your Paid Family Leave claim is denied, you may request to have the denial reviewed

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, you

**Time Off To Vote** 

may request to be reinstated by taking these steps 1. Complete the Formal Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-119).

> NYS Paid Family Leave PO Box 9030, Endicott NY 13761

the close of the polls on Election Day

2. Send your completed form to your employer and a copy of the completed form to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030 3. If your employer does not reinstate you or take other corrective action within 30 days,

you may file a discrimination complaint with the Workers' Compensation Board using the Paid Family Leave Discrimination/Retailation Complaint (Form PFL-DC-120). The Work-ers' Compensation Board will assemble your case and schedule a hearing. 4. There are other state and federal laws that protect employees from discrimination Additional information is available at PaidFamilyLeave.ny.gov.

> nation, forms and instructions, visit PaidFamilyLeave.ny.gov or ca the PFL Helpline (844)-337-6303

PRESCRIBED BY THE CHAIR, WORKERS' COMPENSATION BOARI

This information is a simplified presentation of your rights as required by Section 229 of the Disability and Paid Family Leave Benefits Law. Your employer's Paid Family Leave penefits insurance carrier is

This form is meant to provide notice to the injured worker that he or she may be responsible to pay the medical bills if the Workers' Compensation Board disallows the claim or the injured worker does not pursue the claim. **NOTIFY** your supervisor about the injury and the way in which it occurred, as soon as possible. An injured employee who fails to inform his or her employer, in writing, within 30 days after the date of the accident causing the injury, may lose the right to workers' compensation benefits. In the case of occupational disease notification should be given within two years after disablement, or within two years after the claimant knew or should have known that the disease was work-

# average weekly wage, capped at 67% of the New York State Average Weekly Wage. Generally, your average weekly wage is the average of your last eight weeks of pay price to starting Paid Family Leave.

#### Rights and Protections

after 175 days worked

**Benefits** 

inable to perform the employee's job:

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

PROHIBITED

LAW (EXECUTIVE LAW, ARTICLE 15)

e employee's spouse, child, or parent.

#### New York State Election Law (As amended by Chapter 56 of the Laws of 2020) § 3-110. Time allowed employees to

 If a registered voter does not have sufficient time outside of his or her scheduled I in a legistrete vote does not nave sumber unite outside of mis of his excluded working hours, within which to vote on any day at which he or she may vote, at any election, he or she may, without loss of pay for up to two hours, take off so much working time as will, when added to his or her voting time outside his or her working hours,

hable him or her to vote 2. If an employee has four consecutive hours either between the opening of the polls and the beginning of his or her working shift, or between the end of his or her working shift and the closing of the polls, he or she shall be deemed to have sufficient time outside his or her working hours within which to vote. If he or she has less than four

Outside his of ner working nours wumm wind to vote. It ne of she has bees than your consecutive hours he or she may take off so much working time as will, when added to his or her voting time outside his or her working hours enable him or her to vote, but not more than two hours of which shall be without loss of pay, provided that he or she shall

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

placement); • To care for the employee's spouse, child, or parent who has a qualifying serious health

For the employee's own qualifying serious health condition that makes the employee

For qualifying exigencies related to the foreign deployment of a military member who is

An eligible employee who is a covered servicemember's spouse, child, parent, or next of

kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for

Kin may also take up to 20 weeks of MLC leave in a single 12-monin period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittentily or on a reduced schedule. Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN RIGHTS

ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, PREGNANCY, GENDER

IDENTITY OR EXPRESSION, DISABILITY OR MARITAL STATUS IS PROHIBITED

ARASSMENT BASED UPON ANY OF THESE PROTECTED CLASSES ALSO IS

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

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

Reasonable accommodations for persons with disabilities and pregnancy-related

reasonable accommodulums for persons with disabilities and pregnancy-related conditions including lactation may be required. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner.

PAYCHECKS ARE ISSUED ON THE

AT:\_\_\_

LABORLAWSOLUTIONS.COM

BY THE NEW YORK STATE HUMAN RIGHTS LAW. SEXUAL HARASSMENT OR

DISCRIMINATION BASED UPON AGE, RACE, CREED, COLOR, NATIONAL

LEAVE ENTITLEMENTS: Eligible employees who work for a covered employ up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons: • The birth of a child or placement of a child for adoption or foster care; • To bond with a child (leave must be taken within 1 year of the child's birth or

be allowed time off for voting only at the beginning or end of his or her working shift, as be anowed units on to Young only a the beginning of end on the Working similar as the employer may designate, unless otherwise mutually agreed. 3. If the employee requires working time off to vote the employee shall notify his or her employer not more than ten no riess than two working days before the day of the election that he or she requires time off to vote in accordance with the provisions of this

4. Not less than ten working days before every election, every employer shall post ne or ao to

conspicuously in the place of work where it can be seen as employees their place of work, a notice setting forth the provisions of this section. be kept posted until the close of the polls on election day. sions of this section. Such notice shall ATTENTION ALL EMPLOYEES TIME ALL OWED EMPLOYEES TO VOTE ON ELECTION DAY

N.Y. ELECTION LAW SECTION 3-110I STATES THAT : • IF YOU DO NOT HAVE 4 CONSECUTIVE HOURS TO VOTE , EITHER FROM

THE OPENING OF THE POLLS TO THE BEGINNING OF YOUR WORKING SHIET

. OR BETWEEN THE END OF YOUR WORKING SHIFT AN D THE CLOSING OF THE POLLS , YOU MAY TAKE OFF UP TO 2 HOURS, WITHOUT LOSS OF PAY , TO ALLOW YOU TIME TO VOTE IF YOU ARE A REGISTERED VOTER. YOU MAY TAKE TIME OFF AT THE BEGINNING OR END OF YOUR WORKING SHIFT , AS YOUR EMPLOYER MAY DESIGNATE , UNLESS OTHERWISE

MUTUALLY AGREED. YOU MUST NOTIFY YOUR EMPLOYER NOT LESS THAN 2 DAYS. BUT NOT MORE THAN 10 DAYS, BEFORE THE DAY OF THE ELECTION THAT YOU WILL TAKE TIME OFF TO VOTE . Revised 4.14.2020 i Employers: Not less than ten working days before any Election Day, every employer shall nost cor shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this law. Such notice Job Safety and Health Protection. The New York State Public Employee Safety and Health Act of 1980 vides job safety and health protection for workers through the promotion of safe and healthful working ditions throughout the State. Requirements of the Act include the following: nployers: The Act requires that employers furnish employees a workplace free from recognized hazards In compliance with the safety and health standards applicable to the employer's workplaces and othe

New York State Department of Labor, Labor Law Information Relating to Public Employees

Additional Child Labor Law Information

Penalties for Child Labor Laws violations

An Employment Certificate (Working Paper) is required for all employe

Employees: The Act requires that employees comply with all safety and health standards and other tions issued under the Act that apply to their actions and conduct on the job Enforcement: The New York State Department of Labor's Division of Safety and Health (DOSH) is responsible for administering and enforcing the Act. The Commissioner issues safety and health standards, and Safety and Health Inspectors and Hygienists conduct on-site inspections to ensure

**expection**: The Act requires that a representative of the employer and a representative authorized by he employees be given an opportunity to accompany the DOSH Inspector or Hygienist for the purposition

ulations issued by the Commissioner of Labor under the Act.

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

mpliance with the Act

**State OSHA** of aiding the inspection. Where there is no authorized employee representative, the DOSH Inspector or nist must consult with a reasonable number of employees concerning safety and health condition

Order To Comply: If the DOSH Inspector or Hygienist believes an employer has violated the Act, an order to comply will be issued to the employer. Each order will specify a time period within which the violation must be corrected. If the violation remains uncorrected, the employer may be subject to monetar penalties. The DOSH order to comply must be prominently displayed at or near the place of violation to arn employees of dangers that may exist.

Complaint: Employees or their representatives have the right to file a complaint, in writing, with the Compaint: Employees of their representatives have the right to file a compliant, in writing, with the nearest DOSH office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. DOSH will withhold, on request, names of employees complaining. Any interested person or representative of such person or groups of persons may bring to the attention of the State Department of Labor a complaint regarding the administration or enforcement of the Public Employees Safety and Health Program. The State Department of Labor will investigate each complaint and will notify the complainant in writing of the results of such investigation as well as further channels for complaint. Such complaints ma

also be made to the United States Department of Labor, Occupational Safety and Health Administration 201 Varick Street, New York, New York 10014. nation: The Act provides that employees may not be discharged or discriminated against in any

way for filing safety and health complaints or otherwise exercising their rights under the Act. Employees who believe that they have been discriminated against may file a complaint with the nearest DOSH office within 30 days of the alleged discrimination Voluntary Activity: The Department of Labor encourages employees and employees to reduce workplace

hazards voluntarily and to develop and improve safety and health programs in all workplaces. Such cooperative action would initially focus on the identification and elimination of hazards that could cause h, injury or illness to employees and supervisors. On a voluntary basis, employers may request that the DOSH office furnish consultant services to assist the employer in meeting job-site compliance with safety and health standards

Additional information may be obtained from the nearest DOSH District Office listed below

State Office Campus	65 Court Street Buffalo	75 Varick Street (7th Floor) New York
Rm 158 Albany, NY 12240 Tel: (518) 457-5508	NY 14202 Tel: (716) 847-7133	NY 10013 Tel: (212) 775-3548
450 South Salina Street Syracuse	120 Bloomingdale Road White Plains	44 Hawley St. Binghamton
NY 13202 Tel: (315) 479-3212	NY 10605 Tel: (914) 997-9514	NY 13901 Tel: (607) 721-8211
400 Oak Street, Suite 101 Garden City	109 S. Union Street Rochester	207 Genesee Street Utica
NY 11530 Tel: (516) 228-3970	NY 14607 Tel: (585) 258-4570	NY 13501 Tel: (315) 793-2258

## **Family Medical Leave Act**

BENEFITS & PROTECTIONS: While employees are on FMLA leave, employers must In the health insurance coverage as if the employees must be restored to the same job of the same interview. In return from FMLA leave, most employees must be restored to the same job or nearly identical to it with equivalent pay, benefits, and other employment terms a

An employer may not interfere with an individual's FMLA rights or retaliate against An employer may not interfere with an individual s PMLA lights or retailate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. ELIGIBILITY REQUIREMENTS: An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months; Have at least 1.250 hours of service in the 12 months before taking leave:\* and

· Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. ecial "hours of service" requirements apply to airline flight crew employees REQUESTING LEAVE: Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must

otify the employer as soon as possible and, generally, follow the employer's usual

processions. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily

activities, or that hospitalization or continuing medical treatment is nece nust inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required. **EMPLOYER RESPONSIBILITIES:** Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the EMLA. must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if o, how much leave will be designated as FMLA leave. ENFORCEMENT: Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer

The FMLA does not affect any federal or state law prohibiting discrimination or ede any state or local law or collective bargaining agreement that provides gre supersede any state of recent family or medical leave rights

For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 <u>www.dol.gov/whd</u> U.S. Department of Labor • Wage and Hour Divisior

## **Correction Law**

offenses in this state or in any other jurisdiction, and to any license or employment held by any persor ion of one or more criminal offenses in this state or in any other iurisdiction r mployment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law and has not been removed by an executive pardon certificate of relief from disabilities are retificate of good conduct. Nothing in this article shall be construed to affect any right an employer may ave with respect to an intentional misrepresentation in connection with an application for employment may sentation in connection with an application for employment mad by a prospective employee or previously made by a current employee

\$752. Unfair discrimination against persons previously convicted of one or more criminal offenses §752. Untair discrimination against persons previously convicted of one or more criminal offense prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely b reason of the individual's having been previously convicted of one or more criminal offenses, or by reaso of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless: (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or build buch to thick the or the previous criminal offenses and the specific license or employment sought or build buch to thick the or the previous criminal offenses and the specific license or employment sought or build buch to thick the or the previous criminal offenses and the specific license or employment sought or build buch to thick the or the previous criminal offenses and the specific license or the previous of the fact the specific license or the previous of the fact the specific license or the previous of the specific license or the previous of the specific license or the previous of the specific license or the specific license or the previous of the specific license or the previous of the specific license or the speci held by the individual: or (2) the issuance or continuation of the license or the granting or contin nent would involve an unreasonable risk to property or to the safety or welfare of specific individual or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption. 1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors: (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

**USERRA** 

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held (c) The specific duplication of the specific duplicatio (a) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and (g) Aily intornation produced by the person, or produced on his behalt, in regard to his retradition and good conduct. (ii) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public. 2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer is hall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified

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

\$755. Enforcement, 1. In relation to actions by public agencies, the provisions of this article shall be grow. Enforcements is in the advance of public agencies, the provisions of unstance and be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules. 2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

### **Unemployment Insurance**

The New York State Unemployment Insurance Program provides The new Tork State Ohenproyment insurance Program provides intrineate, short term financial protection for people who are out of work through no fault of their own. Unemployment Insurance Reform Legislation effective April 1, 1999 brought significant changes to the program. This brochure reviews the rules under which your former employees can collect unemployment insurance benefits, and explains what you should

**Discrimination** 

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

INCLUDING ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE

Also prohibited: discrimination on the basis of lawful source of income (for example

housing vouchers, disability benefits, child support); familial status (families with children or being pregnant); prior arrest or sealed conviction; commercial boycotts or blockbusting

Reasonable accommodations and modifications for persons with disabilities may also

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

ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR PURCHASE,

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

**IRS Withholding** 

For more information, contact

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

**Payday Notice** 

PAYDAY IS ON

□ MONDAY □ TUESDAY □ WEDNESDAY □ THURSDAY □ FRIDAY □ SATURDAY □ SUNDAY PAY SCHEDULE IS

(1) rental of an apartment in an owner-occupied two-family house

MAINTENANCE AND REPAIR OF HOUSIN

be required.

Name

Does not apply to:

ent to the labor market: must be out of work through no fault of their own attachment to the tabor market, must be out own k intrough no fault of their own; must be ready, willing and able to work and must be actively seeking employment. A claimant who has qualified for benefits according to the guidelines above can have the active work search requirement waived and remain eligible for benefits if the claimant is attending a training course approved by the Commissioner of Labor.



The Employee Polygraph Protection Act prohibits most private employers from using lie detector

loyment screening or during the course of empl

nplovers are generally prohibited from requiring or requesting any employee or job applicant to take a

### otects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain vice in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members o de services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS You have the right to be reemp • you ensure that your employe

PLOYMENT RIGHTS see the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: ensure that your employer receives advance written or verbal notice of your service; • you have five years or less of cumulative service in the uniformed as while with that particular employer; • you return to work or apply for reemployment in a timely manner after conclusion of service; and • you have not separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you: are a past or present member of the uniformed service; + have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment because of this status.

HEALTH INSURANCE PROTECTION In CALL IN INSURANCE FRO LECTION If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reins in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except service-connected illnesses or injuries

#### ENFORCEMENT

ENFUNCEMENT The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS) is authorized to investigate and resolve complaint with the velocity of the information on USERRA is used at <a href="https://www.doi.ov/">https://www.doi.ov/</a> agencies/vets/LABOR in interactive online USERRA Advisor can be viewed at <a href="https://www.doi.ov/">https://www.doi.ov/</a> agencies/vets/LABOR in the online USERRA Advisor can be viewed at <a href="https://www.doi.ov/">https://www.doi.ov/</a> agencies/vets/LABOR is online USERRA Advisor can be viewed at <a href="https://www.doi.ov/">https://www.doi.ov/</a> unable to resolve it, you may request that your case be referred to the Department of Justice on the Office of Special Coursel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connectio with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this ac <u>https://www.dol.gov/agencies/vets/programs/userra/poster</u> Federal law requires employers to notify employees of their rights under USERRA, and employer meet this requirement by displaying the text of this notice where they customarily place notices for employees.

**Polygraph Protection** 

aceutical manufacturers, distributors and dispensers

SGR

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil penalties agains

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB 1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd

conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized p

restrictions, to certain prospective employees of security service firms (armored car, alarm, and quard),

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the

#### **IRS Withholding** If you can answer "yes"...

My Tax Withho

iduals on the IRS website

information on this subject.

Were there major changes to... Your nonwage income (interest, dividend, capital gains, etc.)? Your family wage income (you or your spouse started or ended a list ended a job)

## **Fringe Benefit & Hours**

Division of Labor Standards Harriman State Office Campus Building 12, Albany, NY 12240 www.labor.ny.gov

the Department must be able to affirmatively demonstrate that such written notification was provided to employees by means, which may include, but not be limited to, distribution through company newspapers or newsletters of by inclusion in a company payroll.

and of phar

To any of these or you owed extra tax when you filed your last return,

you may need to file a new Form W-4. See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check

your withholding. For more details, get Publication 919, How Do I Adjust

Employer: Please poster or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and

ling?, or use the Withholding Calculator at www.irs.gov

EXAMINEE RIGHTS

economic loss to the employer.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted violators. Employees or job applicants may also bring their own court as The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests. APPLICANTS CAN READILY SEE IT.

> WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

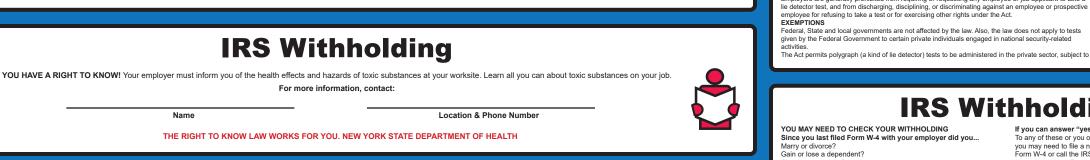
**Deduction of Wages** 

ctions from Wages • Section 193 of the New York State Labor Law

MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILITY

3. Deductions from wages. o employer shall make any deduction from the wages of an employee, except deductions which: e made in accordance with the provisions of any law or any rule or regulation issued by any governmental agency; or e expressly authorized in writing by the employee and are for the benefit of the employee; provided that such authorization is kept on file on the employer's isses. Such authorized deductions shall be limited to payments for insurance premiums, pension or health and welfare benefits, contributions to charitable inizations, payments for United States bonds, payments for dues or assessments to a labor organization, and similar payments for the benefit of the lurge

employee. 2. No employer shall make any charge against wages, or require an employee to make any payment by separate transaction unless such charge or payment is permitted as a deduction from wages under the provisions of subdivision one of this section. 3. Nothing in this section shall justify noncompliance with article three-A of the personal property law relating to assignment of earnings, nor with any other law applicable to deductions from wages. **Posting: Every employer engaged in the sale or service of food or beverages must post this notice. All other wage deductions are illegal in New York. These include, but are not limited to:** • Repayment of loans, advances or debts • Recovery of employment-related expenses • Recovery for spoilage or breakage • Purchases made from employers or employer-sponsored stores, cafeterias, and like establishments • Cash register shortages



tests either for pre-em

PROHIBITIONS

Change your name?

Your itemized deductions? Your tax credits?

ises of this article, include membership in any law enforcement agen been convicted of one or more crimina

/ment. 755.

\$750. Definitions. For the purposes of this article, the following terms shall have the following meanings: (1 Usi bernmonism can be publicate or any local where an experimental and and an experimental and an exper

nduct for which the person was convicted has a direct bearing on his fitness or ability to perform one conduct for which the person was convicted has a direct bearing on his littless or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question. (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the employment, trade, vocation, business, or profession. Provider, nowever, that incense shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm. (5) "Employment" means any occupation, vocation or employm or any form of vocational or educational training. Provided, however, that "employment" shall not, for the

NEW YORK CORRECTION LAW ARTICLE 23-A. LICENSURE AND EMPLOYMENT OF PERSONS

imption. 754. Written statement upon denial of license or em

2. Unfair discrimination against persons previously convicted of one or ses prohibited. 753. Factors to be considered concerning a previous crim

PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES. Section 750. Defini

751. Applicability, 752. Unfair discri

nore criminal offen

\$751, Applicability. The provisions of this article shall apply to any application by any person for a license ment at any public or private employer, who has pro

do when a former employee files a claim for benefits. Statements in this brochure are intended for general information and do not have the effect of law or regulation. You au where a unmer employee these a claim for benefits. Statements in this brochure are intended for general information and do not have the effect of law or regulation. You mi review the New York State Unemployment Insurance Law (Article 18 of the New York State Labor Law) at the website (<u>www.labor.state.nv.usb</u>) or at your local library. To qualify for unemployment benefits, claimants must demonstrate recent, substantial

All public schools and private nonprofit schools, at all education levels, excluding those

ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE,

PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS MAY NOT

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

If you wish to file a complaint in State Court, you may do so within three years of the discrimination. You may not file both with the Division and the State Court.

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

FOR FURTHER INFORMATION, WRITE OR CALL THE DIVISION'S NEAREST OFFICE. HEADQUARTERS: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, N

OF THE MONTH

Also covered: domestic workers are protected from harassment and retaliation; interns and nonemployees working in the workplace (for example temp or contract workers) are protected from all discrimination described above. Age is not a covered classification relative to public accomm nodations for persons with disabilities may also be required

EDUCATION INSTITUTIONS

run by religious organizations.

Location & Phone Number

EXPRESS ANY DISCRIMINATION

<b>Emergency</b>	lotice
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TIME:

AND

AMBULANCE:	FIRE-RESCUE:
HOSPITAL:	PHYSICIAN:
ALTERNATE:	POLICE:
OSHA:	HAZARDOUS MATERIAL:



Guidelines for Employers: Requirements to Notify Employees About Time Off and Work Hours Section 195.5 of the New York State Labor Law effective December 12, 1981 provides as follows: "Every employer shall notify his employees in writing or by publicly posting the employer's policy on sick leave, vacation, personal leave, holidays and hours." To assist employers in complying with this provision, the Division of Labor Standards has issued the following guidelines: 1. An employer shall distribute in writing to each employee, the employer's policy on the above- enumerated items. The employer upon the request of		An employer shall post and keep posted in each establishment in a conspicuous place where notices to employees are customarily posted, a notice that states where on the employer's premises they may see such information in writing. Such information may be contained in a union contract, employee handbook, personnel manual, or in other written form. Deviations for an employee from such stated policy must be given to said employee in writing. 2. As used in the provision above, "hours" means the hours which constitute a standard workday and workweek for the establishment, and any other regular schedule, such as for part-time employees. Deviations should be given to the affected employee in writing. For more information, call or write the nearest office of the Division of Labor Standards, of the New York State Department of Labor, listed below:		Emplo break i anywh by this local h sectior symbo not be swimm emplo educat adult p All indo
Albany District           State Office Campus           Bldg. 12 Room 185A           Albany, NY 12240           (518) 457-2730           Buffalo District           65 Court Street           Room 202           Buffalo, NY 14202           (716) 847-7141	Binghamton Sub-District 44 Hawley Street Binghamton, NY 13901 (607) 721-8014 Rochester Sub-District 276 Waring Road Room 104 Rochester, NY 14609 (585) 258-4550	New York City District 75 Varick Street 7th Floor New York, NY 10013 (212) 775-3880 Syracuse District 333 East Washington Street Room 121 Syracuse, NY 13202 (315) 428-4057	Garden City District 400 Oak Street Suite 101 Garden City, NY 11530 (516) 794-8195 White Plains District 120 Bloomingdale Road White Plains, NY 10605 (914) 997-9521	Smokii autome produc of the 10% of no roof The er the Sta For me call 1-

th private offices cannot smoke in their office, or anywhere in the building. The Act prohibits employers from pr ding a smokir r room for employees. Businesses with separately ventilated rooms for their smoking employees cannot allow smoking in these rooms or here else in the building. The owner, manager or operator of an area open to the public, food service establishment, or bar, that is cov where ease in the building. The owner, manager of operator of an area open to the public, tood service establishment, or bar, har is covered is Act must make a reasonable effort to prevent smoking. Employees and the public may report, confidentially, violations of the Act to their I health departments, county board of health or their district health office for action. You can find the telephone number in the government ion of your telephone book, or at <u>www.health.state.nyu</u>. "No Smoking" or "Smoking" signs or a sign with the international "no smoking" bol on it must be prominently posted and properly maintained where smoking is prohibited or permitted. The Act states that smoking shall be permitted and that no person shall smoke in the following indoor areas: Places of employment; Bars; Restaurants; Enclosed indoor means greater their public temperature include and the following and or areas: Places of employment; Bars; Restaurants; Enclosed indoor public temperature. Dublic temperature include and the following indoor areas: Places of employment; Bars; Restaurants; Enclosed indoor to the province of the include all the following indoor areas: Places of employment; Bars; Restaurants; Enclosed indoor to the province of the include all the following indoor areas: Places of employment; Bars; Restaurants; Enclosed indoor to the province of the include all the following indoor areas: Places of the province the include and the following indoor to the province of the include all the following indoor areas: Places of the province the include and the province of the include and the province and and the p ning areas; Public transportation including all ticketing, boarding and waiting areas; buses, vans, taxicabs and limousines; All places of nent where services are offered to children; All schools, including school grounds; All public and private colleges, universities and other ational and vocational institutions; General hospitals; Residential health-care facilities, except separately designated smoking rooms for patients; Commercial establishments used for the purpose of carrying on or exercising any trade, profession, vocation or charitable activity; door arenas; Zoos; and Bingo facilities

**Clean Air Indoor Act** 

king is permitted in the following areas or businesses: Private homes and private residences when not used for day care; private mobiles; Hotel or motel rooms rented to one or more guests; Retail tobacco businesses (primary activity is the retail sale of tobacco ucts and accessories, and the sale of other products is merely incidental); Membership associations where all duites related to the operation e association are performed by volunteers who are not compensated in any manner; Cigar bars in existence prior to January 1, 2003 (where or more of total annual gross income is from the sale of tobacco products); and Up to 25% of seating in outdoor areas of restaurants with of or ceiling enclosure may be designated smoking areas.

enforcement officer for a city or county health department can assess a penalty of up to \$1,000 for each violation. In areas where tate Health Department is the enforcement officer, a fine of up to \$2,000 may be ass -800-458-1158, ext. 2-7600.