EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL Know Your Rights: Workplace Discrimination is Illegal

Harassment (including unwelcome verbal or physical

• Failure to provide reasonable accommodation for a

Discharge, firing, or lay-off

Pay (unequal wages or compensation)

Hiring or promotion

conduct)

Know Your Rights: Workplace Discrimination is inlegal.

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 • Genetic information (including employer requests for, • Requesting or disclosing medical information of employees • Employees (current and former), including managers and or purchase, use, or disclosure of genetic tests, genetic • Conduct that might reasonably discourage someone from services, or family medical history) • Retaliation for filing a charge, reasonably opposing Job applicants Union members and applicants for membership in a union discrimination, or participating in a discrimination lawsuit, What Organizations are Covered? investigation, or proceeding What Employment Practices can be Challenged as Contact the EEOC promptly if you suspect discrimination Most private employers State and local governments (as employers) All aspects of employment, including:

 Educational institutions (as employers) Staffing 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 Race

disability or a sincerely held religious belief, observance Religion National origin Sex (including pregnancy and related conditions, sexual

orientation, or gender identity)
• Age (40 and older) Classification Obtaining or disclosing genetic information of employees 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) the employer. Section 503 also requires that Federal contractors take affirmative action enforces the nondiscrimination and affirmative action commitments of companies to employ and advance in employment qualified individuals with disabilities at all levels 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

Of employment, including the executive level.

Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act of 1974

executive Order 11246, as amended, prohibits employment discrimination by Federal recently separated veterans (i.e., within three years of discharge or release from active duty) contractors based on race, color, religion, sex, sexual orientation, gender identity, or active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. Retaliation Retaliation is prohibited against a person who files a complaint of Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, by Federal contractors under these Federal laws. Any person who believes a contractor protects applicants and employees of Federal contractors from discrimination based on has violated its nondiscrimination or affirmative action obligations under OFCCP's nquiring about, disclosing, or discussing their compensation or the compensation of authorities should contact immediately: The Office of Federal Contract Compliance Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified D.C. 20210 1–800–397–6251 (toll-free) If you are deaf, hard of hearing, or have a speech ndividuals with disabilities from discrimination in hiring, promotion, discharge, pay, disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also 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 in most telephone directories under U.S. Government, Department of Labor and on ndividual with a disability who is an applicant or employee, barring undue hardship to OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended

as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires gion, Sex, Sexual Orientation, Gender Identity, National Origin affirmative action to recruit, employ, and advance in employment, disabled veterans discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination ograms (OFCCP) U.S. Department of Lábor 200 Constitution Avenue, N.W. Washingtor PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Small Employers (10 or less employees)

Minimum Wage \$15.00

Overtime after 40 hours \$22.50

Tipped workers \$15.00

Overtime after 40 hours \$22.50

Remainder of New York State

Minimum Wage \$14.20

Overtime after 40 hours \$21.30

Tipped workers \$14.20

Overtime after 40 hours \$21.30

uniform, you may be entitled to additional

weekly pay. The weekly rates are available online.

LS 207 (11/22)

opposing discrimination, filing a charge, or participating in

Do not delay, because there are strict time limits for filing

where you live/work). You can reach the EEOC in any of the

https://publicportal.eeoc.gov/Portal/Login.aspx

a charge of discrimination (180 or 300 days, depending of

Submit an inquiry through the EEOC's public portal:

1–844–234–5122 (ASL video phone)

EEOC, including information about filing a charge of

an investigation or proceeding

Call 1–800–669–4000 (toll free)

Additional information about the

E-Mail info@eeoc.gov

1-800-669-6820 (TTY)

Visit an EEOC field office (information at

www.eeoc.gov/field-office)

following ways:

Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits prohibits employment discrimination on the basis of disability in any program or activity scrimination on the basis of race, color or national origin in programs or activities receiving which receives Federal financial assistance. Discrimination is prohibited in all aspects ederal financial assistance. Employment discrimination is covered by Title VI if the primary of employment against persons with disabilities who, with or without reas objective of the financial assistance is provision of employment, or where employment accommodation, can perform the essential functions of the job. If you believe you scrimination causes or may cause discrimination in providing services under such programs. have been discriminated against in a program of any institution which receives Federal 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.

(Revised 10/20/2022

NEW YORK MINIMUM WAGE

WE ARE YOUR DOL Attention Miscellaneous Industry Employees Minimum Wage hourly rates effective 12/31/2022 - 12/30/2023

New York City Large Employers (11 or more employees)

Minimum Wage \$15.00 Overtime after 40 hours \$22.50

Tipped workers \$15.00 Overtime after 40 hours \$22.50

Long Island and Westchester County

Minimum Wage \$15.00 Overtime after 40 hours \$22.50 Tipped workers \$15.00

Overtime after 40 hours \$22.50 If you have questions, need more information or want to file a complaint, please 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 • 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 employer must pay the full applicable minimum wage rate, and cannot take any tip credit. Extra Pay you may be owed in addition to the minimum wage rates shown above

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

regular rate of pay (no less than amounts shown

he minimum wage rate.

wage rate for that day.

the minimum wage rate

Spread of hours – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at

• Overtime – You must be paid 1½ times your • Call-in pay – If you go to work as scheduled and • Uniform maintenance – If you clean your own

your employer sends you home early, you may

be entitled to extra hours of pay at the minimum

Minimum Wage Poster **Post in Plain View**

are set forth in wage orders and summaries, which are available online

ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination. For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | **EMPLOYEE POLYGRAPH PROTECTION ACT** The Employee Polygraph Protection Act prohibits most private employers from preempt any provision of any State or local law or any collective bargaining agreement using lie detector tests either for pre-employment screening or during the course which is more restrictive with respect to lie detector tests.

employee or job applicant to take a lie detector test, and from discharging, disciplining, number of specific rights, including the right to a written notice before testing, the right or discriminating against an employee or prospective employee for refusing to take a 👚 to refuse or discontinue a test, and the right not to have test results disclosed to test or for exercising other rights under the Act. **EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations law does not apply to tests given by the Federal Government to certain private and assess civil penalties against violators. Employees or job applicants may also bring ndividuals engaged in national security-related activities. The Act permits polygraph (a their own court actions. kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and AND JOB APPLICANTS CAN READILY SEE IT. quard), and of pharmaceutical manufacturers, distributors and dispensers. 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 in economic loss to the employer. The law does not

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous PROHIBITIONS Employers are generally prohibited from requiring or requesting any strict standards concerning the conduct and length of the test. Examinees have a unauthorized persons THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES

WAGE AND HOUR DIVISION ED STATES DEPARTMENT OF LABOR

1-888-392-3644

ESTAS CLASES PROTEGIDAS

DE APRENDICES

WWW.DHR.NY.GOV

DEL ESTADO DE NUEVA YORK (LEY EJECUTIVA, SECCIÓN 15)

empleadores de cuatro o más personas). AGENCIAS DE EMPLEO.

ORGANIZACIONES DE TRABAJO Y PROGRAMAS DE CAPACITACIÓN

observancia del Shabat o prácticas religiosas; peinados asociados con la raza

(también se aplica a las áreas enumeradas a continuación) arresto previo

o antecedentes penales; las características genéticas predisponentes; el

Es posible que sea necesario hacer acomodos razonables para personas con

discapacidades y condiciones relacionadas con el embarazo incluyendo

lactación. Un arreglo razonable es una adaptación a un trabajo o entorno

laboral que permita que una persona con discapacidad realice las tareas

También están cubiertos: trabajadores domésticos están protegidos en

casos acoso y represalias; internos y no empleados cuales trabajan en el

lugar de trabajo (por ejemplo trabajadores temporarios o contratantes)

ALQUILER, ARRENDAMIENTO O VENTA DE VIVIENDA, TERRENO O ESPACIO COMERCIAL INCLUYENDO ACTIVIDADES DE AGENTE DE

También esta prohibido: la discriminación a base de fuente de ingreso

legal (por ejemplo vales, beneficios de discapacidad, manutención de

niños); estado familiar (familias con niños o en estado de embarazo);

También es posible que sea necesario realizar modificaciones y arreglos

(1) alquiler de un apartamento en una casa para dos familias ocupada por

(2) restricciones de todas las habitaciones en una vivienda para individuos

(3) alquiler de una habitación por parte del ocupante de una casa o

(4) venta, alquiler o arrendamiento de aloiamiento en una casa exclusivamente

También se prohíbe: discriminación en vivienda sobre la base del estado

TODAS TRANSACCIONES CREDITICIAS INCLUYENDO FINANCIAMENTO

LUGARES DE ALOJAMIENTO PÚBLICO, COMO RESTAURANTES,

HOTELES, HOSPITALES Y CONSULTORIOS MÉDICOS, CLUBS, PARQUES

La edad no es una clasificación cubierta respecto a los alojamientos

públicos. Es posible que sea necesario realizar arreglos razonables para

Todas las escuelas publicas y escuelas privadas sin ánimo de lucro, en todos

los niveles, excluyendo escuelas dirigidas por organizaciones religiosas.

PUBLICIDAD Y SOLICITUDES RELACIONADAS CON EL EMPLEO,

LOS INMUEBLES, LOS LUGARES DE ALOJAMIENTO PÚBLICO Y LAS

TRANSACCIONES CREDITICIAS NO DEBEN EXPRESAR NINGUN ACTO

Si desea presentar una demanda formal ante la División de Derechos

Humanos, debe hacerlo dentro de un año desde que ocurra la

dentro de los tres años desde que ocurriera la discriminación. No puede

Se prohíben las represalias por presentar una demanda u oponerse

PARA OBTENER MÁS INFORMACIÓN, ESCRIBA O LLAME A LA OFICINA MÁS

CERCANA DE LA DIVISIÓN. OFICINA CENTRAL: ONE FORDHAM PLAZA

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

a prácticas discriminatorias. Puede presentar una demanda ante la

discriminación. Los servicios de la División se ofrecen sin cargo.

presentar una demanda ante la División y ante el Tribunal Estatal.

PARA LA COMPRA, MANTENIMIENTO Y REPARACION DE VIVIENDAS

a personas mayores de 55 años y al cónyuge de dichas personas

arresto previo o condena sellada; boicot comercial o acoso inmobiliario.

estado civil; las condiciones relacionadas con el embarazo.

están protegidos de toda discriminación descrita arriba.

esenciales de un trabajo de manera razonable.

razonables para personas con discapacidades.

civil (por ejemplo, familias con hijos).

Y OFFICINAS DEL GOBIERNO.

personas con discapacidades.

INSTITUCIONES EDUCATIVAS

DISCRIMINATORIO

BIENES RAÍCES Y VENDEDORES

Excepciones

del mismo sexo

smo, está prohibida la discriminación en el empleo sobre la base de la

1-866-487-9243 TTY: 1-877-889-5627

4/00 Revised 8/2010

RIGHT TO KNOW

YOU HAVE A RIGHT TO KNOW!

Your employer must inform you of the health effects and hazards of toxic substances at your worksite. Learn all you can about toxic substances on your job. For more information, contact:

Location & Phone Number

ALSO IS PROHIBITED.

NEW YORK STATE DEPARTMENT OF HEALTH



Division of

Human Rights

THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN

ESESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS

RIGHTS LAW (EXECUTIVE LAW, ARTICLE 15)

DISCRIMINATION BASED UPON AGE, RACE, CREED, COLOR, LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, YORK PROHÍBE LA DISCRIMINACIÓN POR EDAD, RAZA, CREDO, PREGNANCY, GENDER IDENTITY OR EXPRESSION, COLOR, ORIGEN NACIONAL, ORIENTACIÓN SEXUAL, ESTATUS DISABILITY OR MARITAL STATUS IS PROHIBITED BY THE NEW MILITAR, SEXO, EMBARAZO, IDENTIDAD O EXPRESIÓN DE YORK STATE HUMAN RIGHTS LAW. SEXUAL HARASSMENT OR GÉNERO, DISCAPACIDAD O ESTADO CIVIL. TAMBIÉN ESTÁ HARASSMENT BASED UPON ANY OF THESE PROTECTED CLASSES PROHIBIDO EL ACOSO SEXUAL O EL ACOSO POR CUALQUIERA DE

ALL EMPLOYERS (until February 8, 2020, only employers with 4 or TODOS LOS EMPLEADORES (hasta el 8 de febrero de 2020, solo los more employees are covered), EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; hairstyles associated with race (also applies to all areas listed below); prior arrest or conviction record; predisposing genetic characteristics; familial status; pregnancy-

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

Also covered: domestic workers are protected from harassment and retaliation; interns and nonemployees working in the workplace (for example temp or contract workers) are protected from all discrimination described above. RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL

SPACE, INCLUDING ACTIVITIES OF REAL ESTATE BROKERS AND **SALES PEOPLE**

Also prohibited: discrimination on the basis of lawful source of income (for example housing vouchers, disability benefits, child support); familial status (families with children or being pregnant); prior arrest or sealed conviction; commercial boycotts or blockbusting Reasonable accommodations and modifications for persons with disabilities may also be required. Does not apply to: (1) rental of an apartment in an owner-occupied two-family house

(2) restrictions of all rooms in a housing accommodation to individuals of the same sex

(3) rental of a room by the occupant of a house or apartment (4) sale, rental, or lease of accommodations of housing exclusively to persons 55 years of age or older, and the spouse of such persons ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR

PURCHASE, MAINTENANCE AND REPAIR OF HOUSING PLACES OF PUBLIC ACCOMMODATION SUCH AS RESTAURANTS, HOTELS, HOSPITALS AND MEDICAL OFFICES, CLUBS, PARKS AND **GOVERNMENT OFFICES**

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

EDUCATION INSTITUTIONS All public schools and private nonprofit schools, at all education

levels, excluding those run by religious organizations. ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS MAY NOT EXPRESS ANY DISCRIMINATION

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 Si desea presentar una demanda ante el Tribunal Estatal, puede hacerlo

If you wish to file a formal complaint with the Division of Human

Division and the State Court.

Retaliation for filing a complaint or opposing discriminatory practices is prohibited. You may file a complaint with the Division

if you have been retaliated against. FOR FURTHER INFORMATION, WRITE OR CALL THE DIVISION'S NEAREST OFFICE. HEADQUARTERS: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

OVERTIME PAY At least 1 ½ times your regular rate of pay for all hours worked over 40

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 civil money penalties for each willful or repeated violation of

the minimum wage or overtime pay provisions of the law. Civil money penalties may also

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

4TH FLOOR, BRONX, NY 10458

CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs are determined to be willful or repeated. The law also prohibits retaliating against or and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. discharging workers who file a complaint or participate in any proceeding under the FLSA. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, **TONAL INFORMATION** non-mining, non-hazardous jobs with certain work hours restrictions. Different rules Certain occupations and establishments are exempt from the minimum wage, and/ apply in agricultural employment. or overtime pay provisions. TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a • Special provisions apply to workers in American Samoa, the Commonwealth of the partial wage credit based on tips received by their employees. Employers must pay Northern Mariana Islands, and the Commonwealth of Puerto Rico. tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against Some state laws provide greater employee protections; employers must comply ation. 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 Some employers incorrectly classify workers as "independent contractors" when they employer must make up the difference. are actually employees under the FLSA. It is important to know the difference NURSING MOTHERS The FLSA requires employers to provide reasonable break time for a between the two because employees (unless exempt) are entitled to the FLSA's nursing mother employee who is subject to the FLSA's overtime requirements in order for minimum wage and overtime pay protections and correctly classified independen the employee to express breast milk for her nursing child for one year after the child's birth contractors are not.

FEDERAL MINIMUM WAGE

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. WAGE AND HOUR DIVISION TED STATES DEPARTMENT OF LABOR **1-866-487-9243** TTY: 1-877-889-5627





BLOOD DONATION LEAVE

Section 202-j of the Labor Law mandates that employers provide leave time to employees for the purpose of donating blood. The two types of blood donation leaves are Off-Premises Blood Donation and Donation Leave Alternatives. Compensation for Leave - Leave granted to employees for off-premises blood donation is not required to be paid leave, leave taken by employees for donation leave alternatives shall be paid leave given without requiring the employee to use accumulated vacation, personal, sick, or other already existing leave time. Off-Premises Donation - 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. Employers are not required to allow off-premises blood donation leave under Labor Law § 202-i to accrue if it is not used during the calendar year. Leave granted to employees for off-premises blood donation is not required to be paid leave. nation Leave Alternatives - Leave for blood donation leave alternatives shall be given twice per calendar year and it shall be paid leave given without use of vacation, personal, sick, or other already existing leave accruals. Under the Donation Leave Alternatives, the donating of blood should be at a convenient time and place set by the employer. The time shall not be a time outside an employee's normal work hours nor shall the location be not reasonable travel distance for an employee. If an employee provides prompt notice that he or she is not or was not able to participate in a blood donation leave alternative because the employee is or was on leave (such as sick or vacation leave), and if as a result the employer has not provided the employee with the opportunity to participate in at least two blood leave alternatives during working hours in a calendar year, the employer must either make available another such alternative to the employee, or allow the employee to take leave to make an off-premises donation. Employees donating blood during a blood donation leave alternative must be allowed sufficient leave time necessary to donate blood, to recover, including partaking nourishment after donating, and to return to work.

Please indicate time and place

Please indicate administrator

Should you have any questions, please contact: _ LS 703 (03-16)

Our company's blood donation will occur: _

an examination by a male physician.

New York State Labor Law § 206-a

UNEMPLOYMENT INSURANCE ATTENTION EMPLOYERS NOTICE REGARDING UNEMPLOYMENT INSURANCE

people who are out of work through no fault of their own. It is financed by employers through a tax on their payrolls. If you pay compensation to individuals for their ervices, you may be liable for Unemployment Insurance and Withholding taxes and wage reporting responsibilities. In order to determine if your business is liable for Jnemployment Insurance, please contact, 1-800-829-3676. Upon registration, employers (except household employers) will receive a poster, "Notice to Employees", IA 133, which informs their workers that their jobs are protected by unemployment insurance. It must be posted where it may easily be seen by employees. Additional opies may be obtained by contacting the nearest Unemployment Insurance Tax Services Office or the Department of Labor, Registration Subsection at 518-457-4179.

The New York State unemployment insurance program, which is administered by the State Labor Department, provides immediate, short-term financial protection for

WORKERS' COMPENSATION **WORKERS' COMPENSATION NOTICE**

Employers must obtain and keep in effect workers' compensation coverage for their employees; there must be no lapse in coverage even when switching insurance carriers. The law requires almost all employers operating in New York State to have workers' compensation and disability coverage for their employees. This requirement can be fulfilled by purchasing insurance coverage through an insurance carrier or by obtaining authorization from the Board to be self-insured. **Employers must post** a notice of workers' compensation coverage and employee rights. This notice is in a form prescribed by the Workers' Compensation Board. Employers obtain the notice from their insurance carrier or, if self-insured, from the Board. The notice includes the name and address of the insurance carrier and the policy number of the employer. It must be posted in a conspicuous place in the employer's place of business. Violations of this requirement can result in a fine of up to \$250 per violation.

PHYSICAL EXAMINATIONS

PHYSICAL EXAMINATIONS

A female employee required to undergo a physical examination has the right to a female physician or to the presence of a female during

RIGHT OF NURSING MOTHERS TO EXPRESS BREAST MILK

NEW YORK BREASTFEEDING: 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 express breast milk for her nursing child for up to three years following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace. An employee wishing to avail herself of this benefit is required to give her employer

PAID FAMILY LEAVE NOTICE

dvance notice. Such notice shall preferably be provided to the employer prior to the employee's return to work following the birth of the child in order to allow the mployer an opportunity to establish a location and schedule leave time amongst multiple employees if needed.

Most private employers with one or more employees are required to obtain Paid Family Leave insurance. Your insurance carrier will provide you with a notice to employees (Notice of Compliance) stating that you have Paid Family Leave insurance. The Notice will include information about

WITHHOLDING STATUS

 If you are self-insured, you can get this notice by contacting the NYS Workers' Compensation Board at <u>certificates@wcb.ny.gov</u> · Post and maintain this notice in plain view

YOU MAY NEED TO CHECK YOUR WITHHOLDING • Your itemized deductions?

Since you last filed form W-4 with your employer Marry or divorce? Gain or lose a dependent? Change your name? Were there major changes to... gains, etc.)?

If you can answer "YES"... when you filed your last return, you may need to file on this subject 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 Your nonwage income (interest, dividends, capital IRS at 1-800-829-3676. Now is the time to check your For more details, get Publication 919, How Do I Adjust Department of the Treasury Your family wage income (you or your spouse MyTax Withholding?, or use the Withholding Calculator Internal Revenue Service www.irs.gov

at www.irs.gov/individuals on the IRS web site. **Employer:** Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information (Rev. 8-2009) Cat. No. 11047P

NEW YORK STATE OF OPPORTUNITY. Department of Labor

www.labor.ny.gov

WHISTLEBLOWER PROTECTION

Harriman State Office Campus Building 12, Albany, NY 12226 §740. Retaliatory action by employers; prohibition.

Division of Labor Standars

indicates otherwise

started or ended a job)?

Notice of Employee Rights, Protections, and **Obligations Under Labor Law Section 740** Prohibited Retaliatory Personnel Action by Employers Effective January 26, 2022 (c) objects to, or refuses to participate in any such activity, policy or

practice.

the activity, policy or practice;

lead to endangering the welfare of a minor;

parties shall be entitled to a jury trial.

(a) "Employee" means an individual who performs services for and paragraph (a) of subdivision two of this section pertaining to disclosure under the control and direction of an employer for wages or to a public body shall not apply to an employee who makes such other remuneration, including former employees, or natural disclosure to a public body unless the employee has made a good faith effort to notify his or her employer by bringing the activity, policy or persons employed as independent contractors to carry out work practice to the attention of a supervisor of the employer and has afforded in furtherance of an employer's business enterprise who are not themselves employers such employer a reasonable opportunity to correct such activity, policy (b) "Employer" means any person, firm, partnership, institution, or practice. Such employer notification shall not be required where: corporation, or association that employs one or more employees. (a) there is an imminent and serious danger to the public health or safety;

1. Definitions. For purposes of this section, unless the context specifically

c) "Law, rule or regulation" includes: (i) any duly enacted federal, state or local statute or ordinance or executive order; (ii) any rule or regulation promulgated pursuant to such statute or ordinance or executive order; or (iii) any judicial or administrative decision, ruling or order. d) "Public body" includes the following: (i) the United States Congress, any state legislature, or any elected local governmental body, or any member or employee thereof;

thereof, or any grand or petit jury; (iii) any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof; (iv) any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer; (v) any federal, state or local department of an executive branch of government; or

(vi) any division, board, bureau, office, committee, or commission of

(ii) any federal, state, or local court, or any member or employee

any of the public bodies described in subparagraphs (i) through (v) of this paragraph. e) "Retaliatory action" means an adverse action taken by an employer or his or her agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his or her rights under this section, including (i) adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion; (ii) actions or threats to take such actions that would adversely impact a former employee's current or future employment; or (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as

defined in subdivision two of section four hundred fifty-nine-a of the

"Supervisor" means any individual within an employer's organization who has the authority to direct and control the work performance of the affected employee; or who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains. . Prohibitions. An employer shall not take any retaliatory action against duties, because such employee does any of the following: a) discloses, or threatens to disclose to a supervisor or to a public body

social services law, to a federal, state, or local agency.

activity, policy or practice by such employer; or

applicants to the uniformed services.

with that particular employer:

conclusion of service; and

some cases, a comparable iob.

employment, because of this status.

perform service in the uniformed service and:

under other than honorable conditions

an employee, whether or not within the scope of the employee's job an activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety; b) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such

you ensure that your employer receives advance written or verbal notice of your

you have not been separated from service with a disqualifying discharge of

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

you: • are a past or present member of the uniformed service; • have applied

uniformed service; then an employer may not deny you: • initial employmen

reemployment;
 retention in employment;
 promotion;
 or
 any benefit o

naddition, an employer may not retaliate against anyone assisting in the enforcement

of USERRA rights, including testifying or making a statement in connection with a

oceeding under USERRA, even if that person has no service connection.

or membership in the uniformed service; or • are obligated to serve in the

activity, policy or practice. 4. Violation: remedy (a) An employee who has been the subject of a retaliatory action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in subdivision five of this section within two years after the alleged retaliatory action was taken. (b) Any action authorized by this section may be brought in the county in which the alleged retaliatory action occurred, in the county n which the complainant resides, or in the county in which the employer has its principal place of business. In any such action, the

c) It shall be a defense to any action brought pursuant to this section

that the retaliatory action was predicated upon grounds other than

3. Application. The protection against retaliatory action provided by

(b) the employee reasonably believes that reporting to the supervisor

(c) such activity, policy or practice could reasonably be expected to

(d) the employee reasonably believes that reporting to the supervisor

(e) the employee reasonably believes that the supervisor is already

would result in physical harm to the employee or any other person; or

aware of the activity, policy or practice and will not correct such

would result in a destruction of evidence or other concealment of

the employee's exercise of any rights protected by this section. 5. Relief. In any action brought pursuant to subdivision four of this section, the court may order relief as follows: (a) an injunction to restrain continued violation of this section; (b) the reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position, or front pay in lieu thereof: (c) the reinstatement of full fringe benefits and seniority rights; (d) the compensation for lost wages, benefits and other remuneration; (e) the payment by the employer of reasonable costs, disbursements,

(g) the payment by the employer of punitive damages, if the violation was willful, malicious or wanton 5. Employer relief. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disbursements be awarded to an employer if the court determines that an action brought by an employee under this section was without basis in law or in fact. 7. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement or

(f) a civil penalty of an amount not to exceed ten thousand dollars; and/or

employment contract. B. Publication. Every employer shall inform employees of their protections, rights and obligations under this section, by posting a notice thereof. Such notices shall be posted conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment.

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

and attorney's fees;

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

you have five years or less of cumulative service in the uniformed services while you have the right to be reinstated in your employer's health plan when

YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service



LS 740 (02/22)

in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and HEALTH INSURANCE PROTECTION You have the right to be reemployed in your civilian job if you leave that job to • 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

• Even if you don't elect to continue coverage during your military service,

you are reemployed, generally without any waiting periods or exclusions you return to work or apply for reemployment in a timely manner after (e.g., pre-existing condition exclusions) except for service-connected illnesses The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

dependents for up to 24 months while in the military.

• For assistance in filing a complaint, or for any other information or USERRA, contact VETS at 1-866-4-USA-DOL or visit its website a http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra · If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. Publication Date — May 2022

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 address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers meet this requirement by displaying the text of this notice where they customarily place notices for employees. 1-866-487-2365

NEW YORK CORRECTION LAW ARTICLE 23-A

NEW YORK CORRECTION LAW ARTICLE 23-A LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES Section 750. Definitions, 751. Applicability, 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. 753. Factors to be considered concerning a previous criminal conviction; presumption. 754. Written statement upon denial of license or employment. 755. Enforcement. §750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question. (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm. (5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency. §751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more riminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities of certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee. §752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless: (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. §753. Factors to be considered concerning a previous criminal conviction; presumption. 1. In making a determination pursuant to section seven hundred fiftytwo of this chapter, the public agency or private employer shall consider the following factors: (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses. (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person. (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities. (d) The time which has elapsed since the occurrence of the criminal offense or offenses. (e) The age of the person at the time of occurrence of the minal offense or offenses. (f) The seriousness of the offense or offenses. (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct. (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public. 2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein. §754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial. §755. Enforcement. 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules. 2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission. (2) "Private

employer" means any person, company, corporation, labor organization or association which employs ten or more persons. (3) "Direct relationship"

VETERAN BENEFITS AND SERVICES

VETERAN BENEFITS AND SERVICES
The following resources and hotlines are available The following resources and hotlines are available at no-cost to help veterans understand their rights, protections, benefits, and accommodations: dol.ny.gov/veteran-benefits-and-services

MENTAL HEALTH AND SUBSTANCE ABUSE RESOURCES All calls and texts are free and confidential U.S. Department of Veterans Affairs Veterans Crisis Line: www.veteranscrisisline.net Text: 838255 Call: 988, press 1 Suicide and Crisis Lifeline: www.veteranscrisisline.net Text: 988

Chat: crisistextline.org NYS Office of Mental Health (OMH): www.omh.ny.gov NYS Office of Addiction Services and Supports (OASAS): www.oasas.ny.gov/hopeline Call: 1-877-8-HOPENY (467469) Text: HOPENY (467369) **LEGAL SERVICES**

NYS Defenders Association Veteran Defense Program: www.nysda.org/page/AboutVDP **NEW YORK STATE DIVISION OF VETERANS' SERVICES** Website: veterans.ny.gov Help Line: 1-888-838-7697 Email: DVSInfo@veterans.ny.gov Services: Legal, education, employment and volunteer, financial, health care, and more.

NEW YORK Division of Veterans' Services

Veterans Treatment Courts (VTC):

Email: ProblemSolving@courts.state.ny.us

NYS Department of Tax and Finance Information for military personnel and veterans: tax.ny.gov/pit/file/ Property tax exemptions: tax.ny.gov/pit/property/exemption/vetexempt.htm **EDUCATION, WORKFORCE, AND TRAINING RESOURCES** Veteran Readiness and Employment (VR&E) Program: www.benefits.va.gov/vocrehab New York State Civil Service Credits for Veterans Program: www.cs.ny.gov

TAX BENEFITS

ADDITIONAL RESOURCES NYS Domestic and Sexual Violence Hotline Call: 800-942-6906 Text: 844-997-2121 NYS Workplace Sexual Harassment Hotlines Call: 1-800-HARASS-3 NYS Department of Motor Vehicles Veteran Status Designation Photo Document: dmv.ny.gov/more-info/veteran-statusdesignation-photo-document Veteran License Plate: dmv.ny.gov/plates/military-and-veterans

Website: dol.ny.gov/services-veterans Help Line: 1-888-469-7365 Email: Ask.Vets@labor.ny.gov Services: Workforce and training resources, unemployment insurance, the Experience Counts program, and more. The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aides and services are available upon request and free of charge to individuals with disabilities NEW YORK Department of Labor TTY/TDD 711 or 1-800-662-1220 (English) / 1-877-662-4886. P37 (3/23)

NEW YORK STATE DEPARTMENT OF LABOR VETERANS' PROGRAM

FMLA - FAMILY AND MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION EAVE ENTITLEMENTS Eligible employees who work for a covered employer can take up employee's worksite 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:

nable to perform the employee's job; the employee's spouse, child, or parent. eave in one block. When it is medically necessary or otherwise permitted, employees employer's normal paid leave policies. dentical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against he FMLA, or being involved in any proceeding under or related to the FMLA. LIGIBILITY 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

(ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or classes such as education, training, or experience. Such factor:

(B) shall be job-related with respect to the position in question and shall be consistent with business necessity. Such exception under this paragraph shall not apply when the employee demonstrates (1) that an employer uses a particular employment practice that causes a disparate impact on the basis of status within one or more protected class or classes. (2) that an alternative employment practice exists that would serve the same business purpose and not produce such differential, and (3) that the employer has refused to adopt such alternative practice

(a) "business necessity" shall be defined as a factor that bears a manifest relationship to the employment in question, and (b) "protected class" shall include age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status, and any employee protected from discrimination pursuant to paragraphs (a), (b), and (c) of subdivision one of section two hundred ninety-six and any intern protected from discrimination pursuant to section two hundred ninety-six-c of the executive law.

or the purposes of subdivision one of this section, employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same geographical region, no larger than a county, taking into account population distribution, economic activity, and/or the presence of municipalities. (a) No employer shall prohibit an employee from inquiring about, discussing, or disclosing the wages of such employee or another employee

*Special "hours of service" requirements apply to airline flight crew employee **REQUESTING LEAVE** Generally, employees must give 30-days' advance notice of the need bond with a child (leave must be taken within 1 year of the child's birth or placement); for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. To care for the employee's spouse, child, or parent who has a qualifying serious health Employees do not have to share a medical diagnosis, but must provide enough information provide a written notice indicating what additional information is required.

For the employee's own qualifying serious health condition that makes the employee 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 For qualifying exigencies related to the foreign deployment of a military member who perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform eligible employee who is a covered servicemember's spouse, child, parent, or next of the employer if the need for leave is for a reason for which FMLA leave was previously taken kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use need for leave. If the employer determines that the certification is incomplete, it must may take leave intermittently or on a reduced schedule. Employees may choose, or an EMPLOYER RESPONSIBILITIES Once an employer becomes aware that an employee's need employer may require, use of accrued paid leave while taking FMLA leave. If an employee for leave is for a reason that may qualify under the FMLA, the employer must notify the substitutes accrued paid leave for FMLA leave, the employee must comply with 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 FMLA. If the employee is not eligible, the employer ENEFITS & PROTECTIONS While employees are on FMLA leave, employers must must provide a reason for ineligibility. Employers must notify its employees if leave will be continue health insurance coverage as if the employees were not on leave. Upon return designated as FMLA leave, and if so, how much leave will be designated as FMLA leave. rom FMLA leave, most employees must be restored to the same job or one nearly 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 supersede any state or local law someone for using or trying to use FMLA leave, opposing any practice made unlawful by or collective bargaining agreement that provides greater family or medical leave rights. For additional information or to file a complain 1-866-4-USWAGE WWW.WAGEHOUR.DOL.GOV U.S. Department of Labor | Wage and Hour Division

EQUAL PAY NOTICE

Equal Pay Provision of the New York State Labor Law Article 6, Section 194

3 194. Differential in rate of pay because of protected class status prohibited. No employee with status within one or more protected class or classes shall be paid a wage at a rate less than the rate at which an employee without status within the same protected class or classes in the same establishment is paid for: (a) equal work on a job the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, or (b) substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions; except where payment is made pursuant to a differential based on: (i) a seniority system;

(iv) a bona fide factor other than status within one or more protected class or (A) shall not be based upon or derived from a differential in compensation based on status within one or more protected class or classes and

or the purpose of subdivision one of this sectior

(716) 847-7141

Division of Labor Standards (b) An employer may, in a written policy provided to all employees, establish reasonable workplace and workday limitations on the time, place and manner for inquires about, discussion of, or the disclosure of wages. Such limitations shall be consistent with standards promulgated by the commissioner and shall be consistent with all other state and federal laws. Such limitations may include

prohibiting an employee from discussing or disclosing the wages of another

employee without such employee's prior permission.) Nothing in this subdivision shall require an employee to disclose his or her wages. The failure of an employee to adhere to such reasonable limitations in such written policy shall be an affirmative defense to any claims made against an employer nder this subdivision, provided that any adverse employment action taken by the employer was for failure to adhere to such reasonable limitations and not for mere inquiry, discussion or disclosure of wages in accordance with such reasonable limitations in such written policy. (d) This prohibition shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's essential job functions discloses the wages of such other employees to individuals who do

not otherwise have access to such information, unless such disclosure is in response to a complaint or charge, or in furtherance of an investigation, proceeding, hearing, or action under this chapter, including an investigation conducted by the employer (e) Nothing in this section shall be construed to limit the rights of an employee provided under any other provision of law or collective bargaining agreement. For questions, write or call your nearest office, (listed below), of the: New York State Department of Labor **Division of Labor Standards**

Albany District State Office Campus Bldg. 12, Rm. 185A (518)457-2730 **Buffalo District** 290 Main Street, Rm. 226 Buffalo, NY 14202

New York City District 75 Varick Street, 7th Floor New York, NY 10013 Rochester, NY 14609

333 East Washington Street, Rm. 121 Syracuse, NY 13202 315) 428-4057 **White Plains District** 120 Bloomingdale Road White Plains, NY 10605 (914) 997-9521

Syracuse District

LS 603 (08/20)

Rochester Sub-District 276 Waring Road, Rm. 104 (585) 258-4550 **Garden City District** 400 Oak Street, Suite 101, Garden City, NY 11530 (516) 794-8195

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT



IT'S THE LAW!

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.

job hazards, including all hazardous substances in your workplace. Request a confidential OSHA inspection

Receive information and training on

unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf. Participate (or have your representative)

of your workplace if you believe there are

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

See any OSHA citations issued to your

participate) in an OSHA inspection and

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.

Contact OSHA. We can help.

Employers must:

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

Provide employees a workplace free from

recognized hazards. It is illegal to retaliate

standards. Notify OSHA within 8 hours of a workplace fatality or within 24 hours of

amputation, or loss of an eye.

 Provide required training to all workers in a language and vocabulary they can understand.

any work-related inpatient hospitalization,

 Prominently display this poster in the workplace.

of the alleged violations. On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHAsupported consultation programs in every

Post OSHA citations at or near the place

state.

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

PUBLIC EMPLOYEES JOB SAFETY AND HEALTH PROTECTION

Labor Law Information Relating to

Job Safety & Health Protection

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

Act include the following:

Employers must provide employees with a workplace that is: free from recognized hazards,

in compliance with the safety and health standards that apply to the workplace, and in compliance with any other regulations issued under the PESH

Act by the Commissioner of Labor.

Public Employees

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

apply to their job. Enforcement The New York State Department of Labor administers and

and health standards. The Department's Division of Safety and Health (DOSH) has Inspectors and Hygienists who inspect workplaces to make sure they are following the PESH Act. When DOSH staff inspect a workplace, a representative of the

enforces the PESH Act. The Commissioner of Labor issues safety

employer and a representative approved by the employees

must be allowed to help with the inspection. When there is

no employee-approved representative, DOSH staff must speak with a fair number of employees about the safety and health conditions in the workplace.

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

violation, where it can be easily seen. This is to warn employees that a danger may exist.

Albany District

State Office Campus

Bldg. 12, Rm. 158

Albany, NY 12240

Tel: (518) 457-5508

Binghamton District

44 Hawley St., Rm. 901

Binghamton, NY 13901

Tel: (607) 721-8211

Buffalo District

Buffalo, NY 14202

Tel: (716) 847-7133

65 Court Street

The order to comply must be posted at or near the place of

Garden City District 400 Oak Street Garden City, NY 11550

Tel: (516) 228-3970

New York City District 75 Varick St., 7th Floor New York, NY 10013 Tel: (212) 775-3554 **Rochester District** 109 S. Union St., Rm. 402 Rochester, NY 14607 Tel: (585) 258-8806

Utica District Utica, NY 13501

Post Conspicuously

120 Bloomingdale Road

Tel: (315) 793-2258 **White Plains District** White Plains, NY 10605 Tel: (914) 997-9514

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.

NEW YORK Public Employee

Any interested person may file a complaint if they believe there are unsafe or unhealthful conditions in a public workplace. This includes: An employee A representative of an employee

The Department of Labor will evaluate each complaint. The Department will notify the person who made the complaint of the results of the investigation. $These complaints \, may also \, be \, made to \, the \, United \, States \, Department$ of Labor, Occupational Safety and Health Administration online at:

Employees may not be fired or discriminated against in any way

for filing safety and health complaints or otherwise exercising their

Make this complaint in writing to the nearest DOSH office or by

email to: <u>Ask.SHNYPESH@labor.ny.gov</u>. On request, DOSH will

not release the names of any employees who file a complaint.

<u>www.osha.gov</u>. Discrimination

Groups of employees

• A representative of a group of employees

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

Voluntary Activity The Department of Labor encourages employers and employees

identifying and correcting job site hazards. Employers may

request this assistance on a voluntary basis by emailing:

Syracuse, NY 13202

Tel: (315) 479-3212

• develop and improve safety and health programs in all workplaces. The Division of Safety and Health can provide free help with

reduce workplace hazards, and

Ask.SHNYPESH@labor.ny.gov.

Additional information may be obtained from the nearest DOSH District Office below: **Syracuse District** 450 South Salina Street

207 Genesee Street

A Division of the New York State Department of Labor

C175-NY-0123-F03