

WE ARE YOUR DOL



Department of Labor

OVERVIEW OF LAWS

That Protect ALL Workers in New York State

This fact sheet is an overview of laws in New York State that protect you as a worker. The New York State Department of Labor, which oversees these laws, protects ALL workers from wage theft, regardless of their immigration status. If you work anywhere in New York State, even if you are undocumented, a migrant or an asylum seeker, you are protected by law. In our state, employers MUST provide the minimum hourly wage and additional benefits listed below.

MINIMUM WAGE IS REQUIRED

All workers are entitled to receive at least a minimum wage for every hour worked. This includes fast food workers, nail salon workers, tipped workers, and more, regardless of immigration status.

LOCATION	MINIMUM WAGE (AS OF 01/01/2024)	TIPPED SERVICE EMPLOYEES* (AS OF 01/01/2024)	TIPPED FOOD SERVICE WORKERS* (AS OF 01/01/2024)
New York City	\$16.00/hour	\$13.35 Cash Wage \$2.65 Tip Credit	\$10.65 Cash Wage \$5.35 Tip Credit
Long Island & Westchester	\$16.00/hour	\$13.35 Cash Wage \$2.65 Tip Credit	\$10.65 Cash Wage \$5.35 Tip Credit
Remainder of New York State	\$15.00/hour	\$12.50 Cash Wage \$2.50 Tip Credit	\$10.00 Cash Wage \$5.00 Tip Credit

New York State law allows employers in some industries like hotels, restaurants and catering to combine what is paid by the employer if the employer makes enough in tips from customers. For example, a restaurant in New York City could pay \$10 per hour (called the “cash wage”) if the employee made an average of at least \$5 per hour in tips that day (the “tip credit”). **Food service workers** include wait staff, bartenders and bussing personnel. This does NOT include delivery workers. **Tipped service employees** are other workers, like restaurant valets and housekeepers, who customarily receive tips.

All other non-hospitality workers, including those in nail salons and car washes, valet parking attendants and hairdressers MUST be paid the full minimum wage, even if they receive tips.

OVERTIME

Most employees must be paid time and one-half their rate of pay for every hour worked over 40 hours in a week.

MEAL PERIODS

Employers in New York State must provide all employees time off for meals, after working a certain number of hours. In general, employers must provide at least 30 minutes of unpaid time off if an employee works more than 6 hours.

FREQUENCY OF PAY

New York State Law requires manual workers to be paid every week, and clerical and other workers at least twice per month.

NOTICES TO EMPLOYEES

Employers are required to provide the following notices to employees:

- Wage Statements (pay stub) with each payment of wages
- Pay Notice, the notice of pay rates and pay day along with information about hours and benefits like time off, insurance, etc.
- Termination Notice, which is written notice to an employee within five business days of their termination

PAID SICK LEAVE

All private sector (non-government) workers in New York State are covered under the state’s sick and safe leave law. This means you have the ability to take time

off if you are sick. The amount of time and if it's paid or unpaid depends on the size of the business you work for. Workers in every type of job are covered, even those working part time or seasonally.

RETALIATION AGAINST WORKERS

Reporting a potential problem or an illegal activity of your employer can seem scary, but employers can't punish you for notifying us about labor law violations or providing information to the Department of Labor. If you report a violation, your employer may not: fire you, cut your pay or hours, reassign you to another location or demote you. If they threaten to take action, report you, deport you or anything else, this is illegal.

WORKER'S COMPENSATION

If you get hurt or become ill as a direct result of your job, there is help for you. New York State requires employers to provide workers' compensation insurance coverage to every worker, regardless of citizenship and/or immigration status. In the event of a work-related injury or illness, this insurance pays for medical care and provides partial wage replacement if you are unable to work (or earning less) due to your injury or illness. You can learn more by visiting wcb.ny.gov or calling **877-632-4996**. Free language assistance services are available if you would like information in a language other than English.

FILE A COMPLAINT

The Department of Labor helps collect wages owed to workers who have not received the minimum wage, once they file a claim with us.

UNPAID WAGES

- Your employer did not pay you for all hours worked
- Your paycheck bounced because there weren't sufficient funds
- You did not receive all of your tips
- Your rate of pay was lowered without prior notice

UNPAID WAGE SUPPLEMENTS

- Your employer promised you (verbally or in writing), but did not provide vacation pay, holiday pay, bonuses, etc.

MINIMUM WAGE/OVERTIME

- Your employer paid you less than the minimum wage.
- Your employer did not pay overtime rate for hours worked over 40 in one week.

NON-WAGE ITEMS

- Your employer failed to provide the required meal period, day of rest, pay stub, notice of pay, timely payment of wages, or took a negative action against you for making a complaint.

COMPLAINT FORMS

- English: dol.ny.gov/labor-standards-complaint-form-ls223
- Albanian: dol.ny.gov/lis223al-albanian-labor-complaint-form
- Arabic: dol.ny.gov/lis223ar-arabic-labor-complaint-form
- Bengali: dol.ny.gov/lis223bn-bengali-labor-complaint-form
- Chinese: dol.ny.gov/lis223c-chinese-labor-complaint-form
- French: dol.ny.gov/lis223f-french-labor-complaint-form
- Greek: dol.ny.gov/lis223g-greek-labor-complaint-form
- Haitian Creole: dol.ny.gov/lis223hc-haitian-creole-labor-complaint-form
- Hindi: dol.ny.gov/lis223h-hindi-labor-complaint-form
- Italian: dol.ny.gov/lis223i-italian-labor-complaint-form
- Japanese: dol.ny.gov/lis223j-japanese-labor-complaint-form
- Korean: dol.ny.gov/lis223k-korean-labor-complaint-form
- Polish: dol.ny.gov/lis223p-polish-labor-complaint-form
- Portuguese: dol.ny.gov/lis223pg-portuguese-labor-complaint-form
- Russian: dol.ny.gov/lis223r-russian-labor-complaint-form
- Spanish: dol.ny.gov/lis223s-spanish-labor-complaint-form
- Urdu: dol.ny.gov/lis223ur-urdu-labor-complaint-form
- Yiddish: dol.ny.gov/lis223y-yiddish-labor-complaint-form

SUBMIT COMPLETED CLAIM FORMS TO:

NYS DOL, Division of Labor Standards
State Office Campus
Building 12, Room 266B Albany, NY 12226

If you need additional assistance to file your complaint, please call: **1-888-469-7365**.