



**Department  
of Labor**

# **New York State Labor Law**

## **Grooms, Hot Walkers & Practice Riders**

Presented by NYS Department of Labor

**All workers are protected by  
Labor Law regardless of  
immigration status.**



# Agenda

- Minimum Wage Rates
- Written Notices from your Employer
- Rules Regarding Hours and Wage Payments
- Meal Breaks/Time Off
- Employment at Will
- Forced Labor

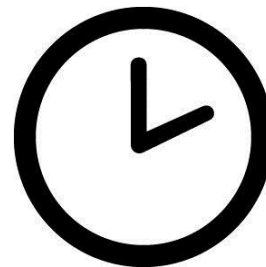


# 2020 Minimum Wage at Saratoga Race Track

December 31, 2019 – December 30, 2020



**\$11.80/hour**



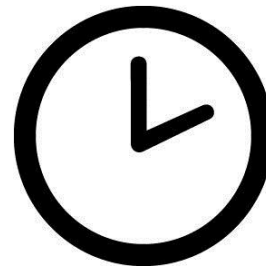
You must be paid at least this  
much for EVERY hour that  
you work in most jobs

# 2021 Minimum Wage at Saratoga Race Track

December 31, 2020 – December 30, 2021



**\$12.50/hour**



You must be paid at least this  
much for EVERY hour that  
you work in most jobs

# 2020 Minimum Wage at Belmont Race Track

December 31, 2019 – December 30, 2020



**\$14.00/hour**



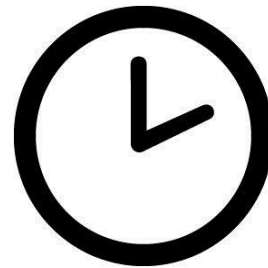
You must be paid at least this  
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# 2021 Minimum Wage at Belmont Race Track

December 31, 2020 – December 30, 2021



**\$15.00/hour**



You must be paid at least this  
much for EVERY hour that  
you work in most jobs



# Written Pay Notice Requirement

Workers must receive a written pay notice from their employer.

This written paper has important information:

- How much will be paid
- How often pay will be given
- The regular payday
- Name, address, and phone number of the employer
- Any amounts taken out of the paycheck





Notice and Acknowledgement of Pay Rate and Payday  
Under Section 195.1 of the New York State Labor Law  
Notice for Hourly Rate Employees

1. Employer Information

Name:

Doing Business As (DBA) Name(s):

FEIN (optional):

Physical Address:

Mailing Address:

Phone:

3. Employee's rate of pay:

\$ \_\_\_\_\_ per hour

4. Allowances taken:

- None  
 Tips \_\_\_\_\_ per hour  
 Meals \_\_\_\_\_ per meal  
 Lodging \_\_\_\_\_  
 Other \_\_\_\_\_

5. Regular payday: \_\_\_\_\_

6. Pay is:

- Weekly  
 Bi-weekly  
 Other

7. Overtime Pay Rate:

\$ \_\_\_\_\_ per hour (This must be at least  
1½ times the worker's regular rate with  
few exceptions.)

8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated pay day on the date given below. I told my employer what my primary language is.

Check one:

I have been given this pay notice in English because it is my primary language.

My primary language is \_\_\_\_\_. I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

\_\_\_\_\_  
Print Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer's Name and Title

**The employee must receive a signed copy of this form. The employer must keep the original for 6 years.**

**Please note:** It is unlawful for an employee to be paid less than an employee of the opposite sex for equal work. Employers also may not prohibit employees from discussing wages with their co-workers.

# Paystubs

A pay stub should be attached to your check or cash every time you are paid. This piece of paper tells you:

- Gross wages (how much money you made in total **before** taxes are taken out)
- What money was taken from your pay (for taxes or other deductions)
- Net wages (how much money you get paid **after** the taxes and other deductions come out)
- Number of hours worked
- Rate of pay
- Your Name
- Employer Information

# Deductions

**Only certain items can be deducted from a pay check:**

- **Social Security**
- **Medicare**
- **Federal/State/City taxes**
- **Union fees**

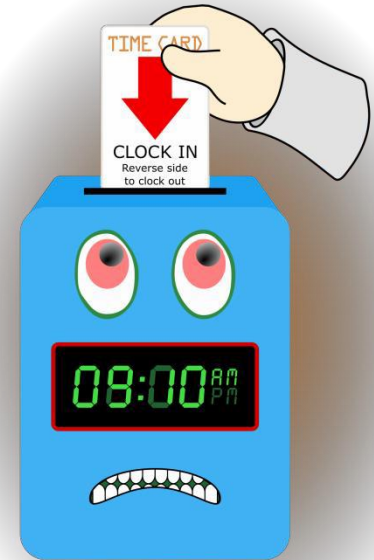
**Items that CANNOT be deducted:**

- **Breakage**
- **Uniform costs and maintenance**
- **Employer business costs**
- **Cash shortage**



# Time Records

- The employer should keep track of how many hours are worked each day and each week.
- Hours may be tracked with an electronic system or hand written time sheets.
- Workers can ask to see time records at anytime.



# Overtime

- Grooms and Hot Walkers must receive overtime after working 40 hours in a work week.
- Overtime rate is 1 1/2 times the regular hourly pay.
- Agricultural Workers in their home state may not be paid overtime. But when these workers come to NYS race track as Grooms and Hot walkers, they are overtime eligible.

# Overtime

- If workers are paid a salary:
  - Salary divided by total number of hours worked = hourly rate (this may be different every week).
  - This hourly rate cannot be less than the NYS minimum wage.
  - Overtime is 1 ½ times that hourly rate.

Example:

**\$780 Salary/52 hours worked = \$15.00/hour**

Overtime Rate: **\$22.50/hour** over 40

# Split Shift or Spread of Hours

- For each workday that a shift or shifts go over 10 hours, the employer must pay an “extra” hour of pay, also known as the spread of hours pay.

THE "SPREAD OF HOUR" RATE =  
**MINIMUM WAGE**  
 As of December 31, 2019

\$11.80 Upstate New York	\$14.00 Long Island & Westchester
\$15.00 NYC 10 or fewer employees	\$15.00 NYC 11 or more employees

- The spread of hour pay is equal to one hour at the NYS Minimum Wage rate, regardless of the employee’s regular rate of pay.
- Spread of hours pay does not impact overtime calculations because it is not considered work performed by the employee.



# How to Calculate the Spread of Hours

The "spread" for the calculation includes all time working and time off for meals and any off-duty time during or between shifts.

An employee will be owed a spread of hours payment if the start of the first shift and end of the second shift is 10 hours or more, even if the employee is not working for 10 hours.

## SPREAD OF HOURS PAY REQUIRED

(START OF FIRST SHIFT TO END OF SECOND SHIFT)

**Total spread of hours = 12 hours**

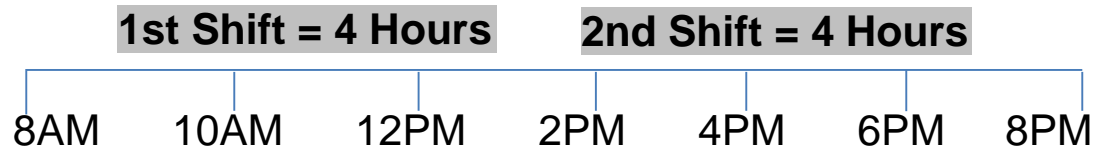


Employee works 8 AM - 1 PM and 4 PM - 8 PM = 9 hours worked over a 12 hour spread.

## SPREAD OF HOURS PAY NOT REQUIRED

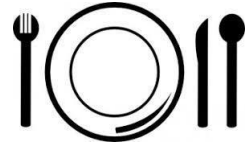
(START OF FIRST SHIFT TO END OF SECOND SHIFT)

**Total spread of hours = 9 hours**



Employee works 9 AM - 1 PM and 2 PM - 6 PM = 8 hours worked over a 9 hour spread.

# Meals and Time Off



## MEAL BREAKS

Workers must get 30 minutes for lunch when employees work more than six hours. These 30 minutes do not have to be paid.

Any break less than 20 minutes provided by employer must be paid.

## REST DAY

Race Track Workers **do not** qualify for a day of rest. Many employers do provide for a 24 hour period of rest a week, but it is not required.



## Employers are *not* required to give workers:

- Vacation days
- Holiday pay
- Sick days
- Health benefits

*But, if employers agree to provide them in the written work agreement, then the benefit must be provided to workers!*

# Employment at Will

- In New York State, an employer can fire a worker at any time, as long as it is for not for discriminatory reasons.
- Workers can also choose to leave a job at any time without notice.



# Retaliation

It is *illegal* for employers to fire or punish an employee for:

- Making a complaint about a possible labor law violation to the employer
- Making a complaint to the Labor Department
- Cooperating with a Labor Standards Investigation

# Forced Labor is Trafficking



Has your boss:

- Forced you to work to pay off a debt?
- Promised you a benefit like a Green Card or money that you never received?
- Threatened to call police or immigration if you did not work?
- Threatened you or your family with physical harm?

**This is illegal and there is help!**

**1- 877- 466 - 9757**

# Protect Yourself!

- Keep your passport, identification documents and employment contract in a safe place! Make copies and keep them at a friend or relative's home.
- Keep a record of all the days you have worked, the date and amounts of any payments you have received, and the date and time of any important work incidents, like threats or conflicts with your employer.
- Try to memorize your embassy's phone number or keep it written in a safe place.



**Questions?**



# Contact Us!

If you have any questions or complaints please contact us:

**Division of Immigrant Policies and Affairs:**

**Call us at 1-877-466-9757 or**

**Email us at [dipa@labor.ny.gov](mailto:dipa@labor.ny.gov)**

