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 much for EVERY hour that you work in most jobs.
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
1. Employer Information

Name:

Doing Business As (DBA) Name(s):

FEIN (optional):

Physical Address:

Mailing Address:

Phone:

2. Notice given:

☐ At hiring
☐ Before a change in pay rate(s), allowances claimed or payday

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 \text{ Salary} / 52 \text{ hours worked} = \$15.00/\text{hour}

Overtime Rate: $22.50/\text{hour over 40}$
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

<table>
<thead>
<tr>
<th>Region</th>
<th>Minimum Wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upstate New York</td>
<td>$11.80</td>
</tr>
<tr>
<td>Long Island &amp; Westchester</td>
<td>$14.00</td>
</tr>
<tr>
<td>$15.00 NYC</td>
<td>$15.00</td>
</tr>
<tr>
<td>10 or fewer</td>
<td>NYC</td>
</tr>
<tr>
<td>employees</td>
<td>11 or more</td>
</tr>
</tbody>
</table>

- 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)

<table>
<thead>
<tr>
<th>1st Shift = 5 Hours</th>
<th>2nd Shift = 4 Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>8AM 10AM 12PM 2PM 4PM 6PM 8PM</td>
<td></td>
</tr>
</tbody>
</table>

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)

<table>
<thead>
<tr>
<th>1st Shift = 4 Hours</th>
<th>2nd Shift = 4 Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>8AM 10AM 12PM 2PM 4PM 6PM 8PM</td>
<td></td>
</tr>
</tbody>
</table>

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 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