

Labor Posters for the  
**AGRICULTURAL  
WORKPLACE**  
2026



**Department  
of Labor**

***WORKING FOR YOU***

Division of Compliance and Education  
*(formerly known as Division of Immigrant Policies and Affairs)*  
Agriculture Labor Program

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## 2026 Checklist of Required Notifications for Agricultural Employers

Article 7 § 201 - Required Posters and Notifications shall be kept posted in a conspicuous place (where they are clearly visible to all workers). Digital versions shall also be made available to employees through the employer's website or by email. Employers shall provide notice that documents required for physical posting are also available electronically.

**\*Disclaimer:** This may not be a complete list for every business. Employers should contact the New York State Department of Labor and US Department of Labor for a complete list of required notifications. For more information, visit: <https://dol.ny.gov/posting-requirements-0>

### New York State Requirements

**Farm Minimum Wage Poster** - Provides current minimum wage information for farm workers. English, Spanish and several other non-English languages can be found here: <https://dol.ny.gov/LS110-doc>

**Minimum Wage Order Summary for Farm Workers** - English, Spanish and several other non-English languages can be found here: <https://dol.ny.gov/Part190-doc>

**Pay Notice and Work Acknowledgement for Farmworkers** - The online template is available in English, Spanish and several other non-English languages located here: <https://dol.ny.gov/LS309-doc>

**Requirements to Notify Employees About Time Off and Work Hours (if applicable)** - Every employer shall notify its employees in writing or by publicly posting the employer's policy on sick leave, vacation, personal leave, holidays and hours. See guidelines: <https://dol.ny.gov/LS606-doc>

**Equal Pay Provision of the New York State Labor Law Article 6, Section 194:**  
<https://dol.ny.gov/LS603-doc>

**Veteran Benefits and Services:**  
<https://dol.ny.gov/veterans-benefits-and-services-p37>

**Criminal Convictions Records Poster** - NYS Corrections Law Article 23-A - Relates to the employment of people with a criminal conviction: <https://dol.ny.gov/correction-law-article-23>

**Safety & Health Right to Know Poster:**  
[https://www.health.ny.gov/environmental/workplace/right\\_to\\_know/docs/rtk.pdf](https://www.health.ny.gov/environmental/workplace/right_to_know/docs/rtk.pdf)

**Prohibited Retaliatory Personnel Action by Employers:**  
<https://dol.ny.gov/notice-employee-rights-protections-and-obligations-under-labor-law-section-740-ls-740>

**Airborne Infectious Disease Exposure Prevention Plan Poster:** <https://dol.ny.gov/aidepp>

**Notice of Workers' Compensation Coverage** - Employers are required to post the mandatory workers' compensation notice of compliance poster in both English and Spanish. Employers get these posters from their insurance carrier, or if self-insured, from the Workers' Compensation Board by emailing: [Certificates@wcb.ny.gov](mailto:Certificates@wcb.ny.gov).

**Unemployment Insurance Notice to Employees Poster IA 133** - To create an account, complete the fillable form available at: <https://dol.ny.gov/IA133-doc>, which can be faxed to (518) 485-8010.

**Notice of Compliance for Disability Benefits and Paid Family Leave Forms** - The Disability Benefits Notice of Compliance (Form DB-120) and Paid Family Leave Notice of Compliance (Form PFL-120) may be obtained from your insurance agent or carrier, or from the Workers Compensation Board if you are self-insured.

**Discrimination Poster (English/Spanish)** - NYS Human Rights Law (Executive Law, Article 15) - Prohibits discrimination based on race, creed, age, color, disability, national origin, sex, or marital status:  
<https://dhr.ny.gov/nysdhr-poster>

**Schedule of Hours for Minors Ages 14-17 Years Old (if applicable)** - Created by employer. An optional template is provided by the Department of Labor: <https://dol.ny.gov/printable-work-schedule-employers-p888>

**No Smoking** - Employers must post “No Smoking” signs or the [international “No Smoking” symbol](#) in all workplaces. For more information on the Clean Indoor Air Act, visit the NYS Department of Health website or call 518-402-7600 or 1-800-458-1158.

### **Employers with Migrant Workers**

**Migrant Labor Camp Permit** - Employers are required to contact the NYS Department of Health (or local County Health Department) and apply for a permit to operate a farm or processing labor camp which will be occupied by one or more migrant workers. For more information, visit:  
<https://regs.health.ny.gov/content/part-15-migrant-farmworker-housing>

**Grower/Processor Registration** - Every grower or processor who, without using a farm labor contractor, brings in to the state five or more out-of-state non-H-2A migrant farm or food processing workers, must obtain a certificate of registration. For more information, visit: <https://dol.ny.gov/farm-labor-contractors>

**Commissary Permit** (where applicable)

**Commissary Price List** (where applicable)

**Federal Requirements** - Visit the U.S. Department of Labor website:  
<https://webapps.dol.gov/elaws/posters.html>

**Provided by: NYS Department of Labor, Division of Compliance and Education (DOCE)  
(formerly known as Division of Immigrant Policies and Affairs)**

Phone: 1-877-466-9757 • Email: [doce@labor.ny.gov](mailto:doce@labor.ny.gov) • Website: [www.labor.ny.gov](http://www.labor.ny.gov)

# Attention Farm Workers

Minimum Wage hourly rates effective 1/1/2026 – 12/31/2026

## New York City

All Employers

**Minimum Wage**

**\$17.00**

Overtime after 52 hours \$25.50\*

## Long Island and Westchester County

**Minimum Wage** **\$17.00**

Overtime after 52 hours \$25.50\*

## Remainder of New York State

**Minimum Wage** **\$16.00**

Overtime after 52 hours \$24.00\*

If you have questions, need more information or want to file a complaint, please visit  
[www.labor.ny.gov/minimumwage](http://www.labor.ny.gov/minimumwage) or call: **1-888-469-7365**.

**Credits and Allowances** that may reduce your pay below the minimum wage rates shown above:

- **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 in wage orders and summaries, which are available online.

*Exception:* Employers may not claim any of your wages for lodging if you are a migrant seasonal worker.

**Extra Pay** you may be owed in addition to the minimum wage rates shown above:

- \* **Overtime** – You must be paid 1 1/2 times your regular rate of pay (no less than the overtime amounts shown above) for hours worked over 52 in a calendar week and/or for any hours worked on your day of rest.
- **Uniform maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.
- **Federal Law** – If you are an employee covered under the federal Fair Labor Standards Act, you must be paid according to state law and also according to higher federal requirements, if they apply.

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# Atención trabajadores agrícolas

Tarifas por hora para el salario mínimo con vigencia del  
1 de enero de 2026 al 31 de diciembre de 2026

## New York City

Todos los empleadores

**Salario mínimo**

**\$17.00**

Horas extras después de las 52  
horas \$25.50\*

## Long Island y Westchester County

**Salario mínimo** **\$17.00**

Horas extras después de las 52 horas \$25.50\*

## Resto del New York State

**Salario mínimo** **\$16.00**

Horas extras después de las 52 horas \$24.00\*

Si tiene preguntas, necesita más información o desea presentar una queja, visite  
[www.labor.ny.gov/minimumwage](http://www.labor.ny.gov/minimumwage) o llame al: **1-888-469-7365**.

**Créditos y asignaciones** que pueden reducir su salario por debajo de los salarios mínimos que se muestran arriba:

- **Comidas y alojamiento:** su empleador puede reclamar una cantidad limitada de su salario por las comidas y el alojamiento que le proporcionan, siempre que no le cobren nada más. Las tarifas y los requisitos están en las ordenanzas y resúmenes sobre el salario, que están disponibles en línea.

*Excepción:* los empleadores no pueden reclamar ninguno de sus salarios por alojamiento si usted es un trabajador migratorio estacional.

**Pago adicional** que se le puede adeudar además de las tasas de salario mínimo que se muestran arriba:

- \* **Horas extras:** Se le debe pagar 1 1/2 veces su tarifa de pago regular (no menos que las cantidades de horas extras que se muestran arriba) por las horas trabajadas que superen las 52 horas en una semana calendario y/o por las horas trabajadas en su día de descanso.
- **Mantenimiento de uniformes:** si limpia su propio uniforme, puede tener derecho a un pago semanal adicional. Las tarifas semanales se encuentran disponibles en línea.
- **Ley federal:** si es un empleado amparado por la Ley federal de normas laborales justas, se le debe pagar de acuerdo con la ley estatal y también de acuerdo con los requisitos federales más altos, si corresponde.

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## Wage Order Summary Farm Workers

### BASIC MINIMUM HOURLY RATE (per hour)

...as of	12/31/20	12/31/21	12/31/22	01/01/24	12/31/25	12/31/26
<b>BASIC MINIMUM HOURLY RATE</b>						
NYC - Large Employers (of 11 or more)	\$15.00	\$15.00	\$15.00	\$16.00	\$16.50	\$17.00
NYC - Small Employers (10 or less)	\$15.00	\$15.00	\$15.00	\$16.00	\$16.50	\$17.00
Long Island & Westchester	\$14.00	\$15.00	\$15.00	\$16.00	\$16.50	\$17.00
Remainder of New York State	\$12.50	\$13.20	\$14.20	\$15.00	\$15.50	\$16.00

### MEAL ALLOWANCE\* (per meal)

<b>ALL EMPLOYEES</b>	
NYC - Large Employers (of 11 or more)	\$1.70
NYC - Small Employers (10 or less)	\$1.70
Long Island & Westchester	\$1.70
Remainder of New York State	\$1.70

\*No allowance for meals shall be considered as part of the minimum wage if a migrant seasonal employee earns less than \$254.00 in a two week period.

### LODGING AND UTILITIES ALLOWANCES\*\*

<b>SINGLE OCCUPANCY (per week)</b>	
NYC - Large Employers (of 11 or more)	\$18.95
NYC - Small Employers (10 or less)	\$18.95
Long Island & Westchester	\$18.95
Remainder of New York State	\$18.95
<b>MULTIPLE OCCUPANCY (per week)</b>	
NYC - Large Employers (of 11 or more)	\$12.65
NYC - Small Employers (10 or less)	\$12.65
Long Island & Westchester	\$12.65
Remainder of New York State	\$12.65

# Wage Order Summary Farm Workers

## LODGING AND UTILITIES ALLOWANCES\*\*

### EMPLOYER-FURNISHED HOUSE/APT INDIVIDUAL (per day)

NYC - Large Employers (of 11 or more)	\$5.00
NYC - Small Employers (10 or less)	\$5.00
Long Island & Westchester	\$5.00
Remainder of New York State	\$5.00

### EMPLOYER-FURNISHED HOUSE/APT FAMILY (per day)

NYC - Large Employers (of 11 or more)	\$8.00
NYC - Small Employers (10 or less)	\$8.00
Long Island & Westchester	\$8.00
Remainder of New York State	\$8.00

\*\*The lodging and utilities allowance is for all employees except migrant seasonal. No allowance for lodging and utilities shall be considered as part of the minimum wage for a migrant seasonal employee.

## NOTES

**TBD.** To be determined administratively prior to the dates indicated.

## RESUMEN DE ORDEN SALARIAL Trabajadores agrícolas

### SALARIO MÍNIMO BÁSICO POR HORA (por hora)

...al día    12/31/20    12/31/21    12/31/22    01/01/24    12/31/25    12/31/26

### SALARIO MÍNIMO BÁSICO POR HORA

Ciudad de NY – Grandes empleadores (11 o más)	\$15.00	\$15.00	\$15.00	\$16.00	\$16.50	\$17.00
Ciudad de NY – Pequeños empleadores (10 o menos)	\$15.00	\$15.00	\$15.00	\$16.00	\$16.50	\$17.00
Long Island y Westchester	\$14.00	\$15.00	\$15.00	\$16.00	\$16.50	\$17.00
Resto del New York State	\$12.50	\$13.20	\$14.20	\$15.00	\$15.50	\$16.00

### ASIGNACIÓN POR COMIDAS\* (por comida)

#### TODOS LOS EMPLEADOS

Ciudad de NY – Grandes empleadores (11 o más)	\$1.70
Ciudad de NY – Pequeños empleadores (10 o menos)	\$1.70
Long Island y Westchester	\$1.70
Resto del New York State	\$1.70

\*Ninguna asignación por comidas se considerará parte del salario mínimo si un empleado migrante estacional gana menos de \$254.00 en un período de dos semanas.

### ASIGNACIÓN POR ALOJAMIENTO Y SERVICIOS BÁSICOS\*\*

#### OCUPACIÓN INDIVIDUAL (por semana)

Ciudad de NY – Grandes empleadores (11 o más)	\$18.95
Ciudad de NY – Pequeños empleadores (10 o menos)	\$18.95
Long Island y Westchester	\$18.95
Resto del New York State	\$18.95

## RESUMEN DE ORDEN SALARIAL Trabajadores agrícolas

### ASIGNACIÓN POR ALOJAMIENTO Y SERVICIOS BÁSICOS\*\*

#### OCUPACIÓN MÚLTIPLE (por semana)

Ciudad de NY – Grandes empleadores (11 o más)	\$12.65
Ciudad de NY – Pequeños empleadores (10 o menos)	\$12.65
Long Island y Westchester	\$12.65
Resto del New York State	\$12.65

#### CASA O DEPARTAMENTO INDIVIDUAL PROPORCIONADO POR EL EMPLEADOR (por día)

Ciudad de NY – Grandes empleadores (11 o más)	\$5.00
Ciudad de NY – Pequeños empleadores (10 o menos)	\$5.00
Long Island y Westchester	\$5.00
Resto del New York State	\$5.00

#### CASA O DEPARTAMENTO FAMILIAR PROPORCIONADO POR EL EMPLEADOR (por día)

Ciudad de NY – Grandes empleadores (11 o más)	\$8.00
Ciudad de NY – Pequeños empleadores (10 o menos)	\$8.00
Long Island y Westchester	\$8.00
Resto del New York State	\$8.00

\*\*La asignación de alojamiento y servicios básicos es para todos los empleados, excepto los migrantes estacionales. Ninguna prestación de alojamiento y servicios básicos se considerará parte del salario mínimo de un empleado migrante estacional.

### NOTAS

**TBD.** Por definir de manera administrativa antes de las fechas indicadas.

## Pay Notice and Acknowledgement for Farm Workers

This notice, when properly completed, satisfies the:

- Pay notice provisions of Section 195 of the NYS Labor Law
- Written work agreement provisions of Part 190, the Farm Minimum Wage Order

### 1. Employer Information

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

Doing Business As (DBA) Name(s): \_\_\_\_\_

Physical address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Federal Employer Identification Number (FEIN) (optional): \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

2. **Notice given:** At hiring Before a change in pay rates, allowances claimed, or payday

3. **Specific location where worker will work:** \_\_\_\_\_

4. **Types of work to be performed:**

5. **Hours:** \_\_\_\_\_

6. **Describe employer provided housing arrangements, if any, including number of rooms and cooking facilities:**

7. **Employee's regular hourly rate(s) of pay and overtime rate of pay:**

Indicate basis; per hour, shift, day, week, salary, or per unit. (Give capacity of unit.)

Rate: \_\_\_\_\_ per: \_\_\_\_\_ Overtime rate: \_\_\_\_\_

Rate: \_\_\_\_\_ per: \_\_\_\_\_ Overtime rate: \_\_\_\_\_

The Overtime Rate must be at least time and one-half the regular pay rate. If the pay rate is not hourly based, the overtime rate must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions.

8. **Payday:** \_\_\_\_\_ For week ending: \_\_\_\_\_

9. **Frequency of pay:** Weekly: \_\_\_\_\_ Other: \_\_\_\_\_

**10. Allowances, if any, to be credited towards minimum wage:**

Number of meals per day: \_\_\_\_\_ Amount per meal: \$ \_\_\_\_\_

\*No allowance for meals shall be considered as part of the minimum wage if a migrant seasonal employee earns less than \$254.00 in a two-week period.

Lodging and utilities: \$ \_\_\_\_\_

The lodging and utilities allowance is for all employees except migrant seasonal. \*No allowance for lodging and utilities shall be considered as part of the minimum wage for a migrant seasonal employee.

Payments in kind: \$ \_\_\_\_\_ Specify: \_\_\_\_\_

**11. All planned payroll deductions** (e.g., health insurance, retirement contributions, other):

**12. Employer provided Paid Sick Leave:**

**13. Employer provided benefits** (e.g. vacation, personal days, holidays, bereavement leave, other):

**14. Approximate period of employment:** Start date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ End date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**15. Non-economic terms and conditions of employment** (e.g., transportation availability, medical service, childcare, schooling, etc.):

**16. Union affiliation and Representative contact information, if any:**

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**In NYS, farm workers possess the right to organize, which includes forming, joining, or assisting labor organizations, and the right to bargain collectively through representatives of their own choosing. Farm workers are protected from retaliation, including termination, if they are speaking to each other about labor conditions and organizing. However, farm workers do not have the right to strike.**

**17. Day-of-rest:** \_\_\_\_\_

Employers may not compel farm laborers to work on their day-of-rest. Farm Laborers must be paid time and one-half their regular rate of pay for choosing to work on their day-of-rest.

Nothing in this provision prevents a farm laborer from working on the day-of-rest provided the employer compensates the employee at a rate of at least time and one-half of the employees' regular rate of pay for all hours worked on the day-of-rest (if total has not exceeded overtime threshold).

**18. Employee Acknowledgment and Affirmation:**

On this day, I have been notified of my pay rate, overtime rate, day-of-rest, allowances, and payday. I affirm that 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, or

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, which is: \_\_\_\_\_

**Employee's name** (print): \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_ / \_\_\_ / \_\_\_

**19. Preparer's name** (print): \_\_\_\_\_ **Title:** \_\_\_\_\_

**The employee must receive a signed copy of this document.  
The employer must preserve a copy for 6 years.**

### **Additional Information:**

Section 195 NYS Labor Law: Employers must give the information on this notice in writing to all employees at the time of hiring.

Employers must notify employees in writing of any changes to the information in this notice at least seven calendar days prior to the time of such changes, unless such changes are reflected on the employee's wage statement. However, even if the change will be reflected on the employee's wage statement, employers may not lower an employee's rate(s) of pay without notifying the employee before the work is performed.

Employers must notify their employees in writing or by publicly posting their policy on sick leave, vacation, personal leave, holidays and hours.

Employers must preserve their payroll records for 6 years.

NYS Minimum Wage Order for Farm Workers: Employers must post, in a conspicuous place on the farm:

- a copy of any generally applicable work agreement **and**
- a posting issued by the NYS Department of Labor summarizing the Farm Minimum Wage provisions.

It is unlawful for an employee to be paid less than an employee of the opposite sex or because the employee is in a protected class.

Employers may not prohibit employees from discussing their wages with co-workers.

Employers may not enquire about an employee's salary history.

## Aviso y aceptación de pago para trabajadores agrícolas

Este aviso, cuando se llena correctamente, satisface:

- Las disposiciones sobre aviso de pago de la Sección 195 de la Ley del Trabajo del Estado de NY
- Las disposiciones sobre contrato de trabajo por escrito de la Parte 190 de la Orden de Salario Mínimo Agrícola

### 1. Información del empleador

Nombre: \_\_\_\_\_ Teléfono: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

Operando bajo el nombre: \_\_\_\_\_

Dirección física: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Dirección postal: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Número de Identificación Federal del Empleador (FEIN) (opcional): \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

2. **Aviso dado:** Al ser contratado Antes de un cambio en el sueldo, las prestaciones o el día de pago

3. **Lugar específico en donde trabajará el trabajador:** \_\_\_\_\_

4. **Tipos de trabajo que hará:**

5. **Horario:** \_\_\_\_\_

6. **Describe los arreglos de vivienda provistos por el empleador, de haberlos, incluyendo la cantidad de habitaciones y las instalaciones para cocinar:**

7. **Sueldos regulares y sueldos por tiempo extra del empleado:**

Indique la base: por hora, turno, día, semana, salario, o por unidad. (Incluya la capacidad de la unidad).

Sueldo: \_\_\_\_\_ por: \_\_\_\_\_ Sueldo por tiempo extra: \_\_\_\_\_

Sueldo: \_\_\_\_\_ por: \_\_\_\_\_ Sueldo por tiempo extra: \_\_\_\_\_

El sueldo por tiempo extra debe ser al menos una y media veces el sueldo regular. Si el sueldo no es por horas, el sueldo por tiempo extra debe ser al menos 1½ veces el promedio ponderado de los múltiples sueldos del trabajador durante la semana, con pocas excepciones.

8. **Día de pago:** \_\_\_\_\_ Para la semana que terminó el: \_\_\_\_\_

9. **Frecuencia de pago:** Semanal: \_\_\_\_\_ Otra: \_\_\_\_\_

**10. Prestaciones, si las hay, para acreditar para el salario mínimo:**

Número de comidas al día: \_\_\_\_\_ Cantidad por comida: \$ \_\_\_\_\_

\*Ninguna prestación de comida se considerará parte del salario mínimo si un empleado migrante estacional gana menos de \$254.00 en un período de dos semanas.

Alojamiento y servicios básicos: \$ \_\_\_\_\_

La asignación de alojamiento y servicios es para todos los empleados, excepto los migrantes estacionales.

\*Ninguna prestación de alojamiento y servicios básicos se considerará parte del salario mínimo de un empleado migrante estacional.

Pagos en especie: \$ \_\_\_\_\_ Especifique: \_\_\_\_\_

**11. Todas las deducciones de nómina planeadas** (por ejemplo, seguro de salud, aportaciones para jubilación, otras):

**12. Permiso por enfermedad pagado provisto por el empleador:**

**13. Beneficios provistos por el empleador** (por ejemplo, vacaciones, días por motivos personales, feriados, permiso por duelo, otros.):

**14. Período aproximado de empleo:**

Fecha de inicio: \_\_\_ / \_\_\_ / \_\_\_\_\_ Fecha de terminación: \_\_\_ / \_\_\_ / \_\_\_\_\_

**15. Términos y condiciones no económicos de empleo** (por ejemplo, disponibilidad de transporte, servicio médico, guardería, escuelas, etc.):

**16. Afiliación a sindicato e información de contacto del representante, si lo hay:**

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**En el estado de NY los trabajadores agrícolas tienen derecho a organizarse, lo que incluye formar, afiliarse o ayudar a las organizaciones sindicales, y el derecho a negociar colectivamente mediante representantes de su elección. Los trabajadores agrícolas están protegidos de represalias, incluido el despido, si hablan entre sí sobre las condiciones de trabajo y organización. Sin embargo, los trabajadores agrícolas no tienen el derecho de hacer huelga.**

**17. Día de descanso:** \_\_\_\_\_

Los empleadores no pueden obligar a los trabajadores agrícolas a trabajar en su día de descanso. Los trabajadores agrícolas deben recibir pago a razón de una y media veces su sueldo regular por decidir trabajar en su día de descanso.

Nada de lo expresado en esta disposición impide que un trabajador agrícola trabaje en su día de descanso, siempre y cuando su empleador remunere al empleado con un sueldo que sea al menos una y media veces el sueldo regular del empleado por todas las horas trabajadas en el día de descanso (si el total no ha excedido el límite de tiempo extra).

**18. Aceptación y declaración del empleado:**

En este día se me han notificado mi sueldo, mi sueldo por tiempo extra, mi día de descanso, mis prestaciones y mi día de pago. Declaro que le he dicho a mi empleador cuál es mi idioma principal.

Mi idioma principal es \_\_\_\_\_, y me han entregado este aviso de pago en mi idioma principal.

**Nombre del empleado** (en letra de molde): \_\_\_\_\_

**Firma:** \_\_\_\_\_ **Fecha:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**19. Nombre de quien contestó** (en letra de molde): \_\_\_\_\_ **Puesto:** \_\_\_\_\_

**El empleado debe recibir una copia firmada de este documento.  
El empleador debe conservar una copia durante 6 años.**

### Información adicional:

Sección 195 de la Ley de Trabajo del Estado de New York: Los empleadores deben entregar la información de este aviso por escrito a todos los empleados al momento de su contratación.

Los empleadores deben notificar por escrito a los empleados sobre cualquier cambio en la información en este aviso al menos siete días calendario antes del momento del cambio, salvo cuando dichos cambios se reflejen en el recibo de pago del empleado. Sin embargo, incluso si el cambio se reflejará en el recibo de pago del empleado, los empleadores no pueden reducir el sueldo de un empleado sin notificarlo al empleado antes de que desempeñe el trabajo.

Los empleadores deben notificar a sus empleados sobre sus políticas de permiso por enfermedad, vacaciones, permisos personales, días feriados y horas trabajadas, ya sea por escrito o publicándolas en un lugar prominente.

Los empleadores deben conservar sus registros de nóminas durante 6 años.

Orden sobre el salario mínimo para trabajadores agrícolas en el estado de NY: Los empleadores deben publicar, en un lugar prominente de la granja:

- una copia de todos los acuerdos de trabajo aplicables en general **y**
- una publicación expedida por el Departamento de Trabajo del Estado de NY que resuma las disposiciones referentes al salario mínimo agrícola.

Es ilegal que un empleado reciba un pago menor que el de un empleado del sexo opuesto o debido a que el empleado forma parte de una clase protegida.

Los empleadores no pueden prohibir a los empleados que hablen sobre sus sueldos con sus compañeros de trabajo.

Los empleadores no pueden hacer preguntas sobre la historia salarial de un empleado.

## **Equal Pay Provision of the New York State Labor Law**

### **Article 6, Section 194**

§ 194. Differential in rate of pay because of protected class status prohibited.

1. 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;
  - (ii) a merit system;
  - (iii) a system which measures earnings by quantity or quality of production;
  - (iv) a bona fide factor other than status within one or more protected class or classes, such as education, training, or experience. Such factor:
    - (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
    - (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.
2. For the purpose of subdivision one of this section:
  - (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.
3. For 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.

4. (a) No employer shall prohibit an employee from inquiring about, discussing, or disclosing the wages of such employee or another employee.
- (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.
- (c) 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 under 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 more information, write or call the nearest office of the Division of Labor Standards, New York State Department of Labor, listed below:

<p><b>Albany District</b>            1220 Washington Ave.            Bldg. 12 Room 185A            Albany, NY 12226            (518) 457-2730</p>	<p><b>Buffalo District</b>            295 Main Street            Suite 914            Buffalo, NY 14203            (716) 847-7141</p>	<p><b>New York City District</b>            55 Hanson Place            11th Floor            Brooklyn, NY 11217            (212) 775-3880</p>	<p><b>Syracuse District</b>            333 East Washington Street            Room 121            Syracuse, NY 13202            (315) 428-4057</p>
<p><b>Bronx District</b>            55 Hanson Place            11th Floor            Brooklyn, NY 11217            (212) 775-3597</p>	<p><b>Garden City District</b>            400 Oak Street            Suite 102            Garden City, NY 11530            (516) 794-8195</p>	<p><b>Rochester District</b>            276 Waring Road            Room 104            Rochester, NY 14609            (585) 258-4550</p>	<p><b>White Plains District</b>            120 Bloomingdale Road            White Plains, NY 10605            (914) 997-9521</p>

## **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 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 or by inclusion in a company payroll.

*Or*

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:

**Albany District**

1220 Washington Ave.  
Bldg. 12 Room 185A  
Albany, NY 12226  
(518) 457-2730

**Buffalo District**

295 Main Street  
Suite 914  
Buffalo, NY 14203  
(716) 847-7141

**New York City District**

55 Hanson Place  
11th Floor  
Brooklyn, NY 11217  
(212) 775-3880

**Syracuse District**

333 East Washington Street  
Room 121  
Syracuse, NY 13202  
(315) 428-4057

**Bronx District**

55 Hanson Place  
11th Floor  
Brooklyn, NY 11217  
(212) 775-3597

**Garden City District**

400 Oak Street  
Suite 102  
Garden City, NY 11530  
(516) 794-8195

**Rochester District**

276 Waring Road  
Room 104  
Rochester, NY 14609  
(585) 258-4550

**White Plains District**

120 Bloomingdale Road  
White Plains, NY 10605  
(914) 997-9521

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# VETERAN BENEFITS AND SERVICES

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](http://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](http://www.veteranscrisisline.net)

Call: 988, press 1      Text: 838255

### Suicide and Crisis Lifeline: [www.veteranscrisisline.net](http://www.veteranscrisisline.net)

Call: 988      Text: 988

### Crisis Textline:

Text: 741741      Chat: [crisistextline.org](http://crisistextline.org)

### NYS Office of Mental Health (OMH):

[www.omh.ny.gov](http://www.omh.ny.gov)

### NYS Office of Addiction Services and Supports

**(OASAS):** [www.oasas.ny.gov/hopeline](http://www.oasas.ny.gov/hopeline)

Call: 1-877-8-HOPENY (467469)

Text: HOPENY (467369)

## TAX BENEFITS

### NYS Department of Tax and Finance

- Information for military personnel and veterans: [tax.ny.gov/pit/file/military\\_page.htm](http://tax.ny.gov/pit/file/military_page.htm)
- Property tax exemptions: [tax.ny.gov/pit/property/exemption/vetexempt.htm](http://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](http://www.benefits.va.gov/vocrehab)

### New York State Civil Service Credits

**for Veterans Program:** [www.cs.ny.gov](http://www.cs.ny.gov)

## ADDITIONAL RESOURCES

### NYS Domestic and Sexual Violence Hotline:

Call: 800-942-6906 Text: 844-997-2121

### NYS Workplace Sexual Harassment Hotline:

Call: 1-800-HARASS-3

### NYS Department of Motor Vehicles:

- Veteran Status Designation Photo Document: [dmv.ny.gov/more-info/veteran-status-designation-photo-document](http://dmv.ny.gov/more-info/veteran-status-designation-photo-document)
- Veteran License Plate: [dmv.ny.gov/plates/military-and-veterans](http://dmv.ny.gov/plates/military-and-veterans)

## LEGAL SERVICES

### Veterans Treatment Courts (VTC): [ww2.nycourts.gov/courts/problem\\_solving/vet/courts.shtml](http://ww2.nycourts.gov/courts/problem_solving/vet/courts.shtml)

Email: [ProblemSolving@courts.state.ny.us](mailto:ProblemSolving@courts.state.ny.us)

Email: [ProblemSolving@courts.state.ny.us](mailto:ProblemSolving@courts.state.ny.us)

### NYS Defenders Association Veteran Defense Program:

<https://www.nysda.org/page/VDP>

## NEW YORK STATE DEPARTMENT OF VETERANS' SERVICES

Website: [veterans.ny.gov](http://veterans.ny.gov)

Help Line: 1-888-838-7697

Email: [DVSInfo@veterans.ny.gov](mailto:DVSInfo@veterans.ny.gov)

Services: Legal, education, employment and volunteer, financial, health care, and more.

## NEW YORK STATE DEPARTMENT OF LABOR VETERANS' PROGRAM

Website: [dol.ny.gov/services-veterans](http://dol.ny.gov/services-veterans)

Help Line: 1-888-469-7365

Email: [Ask.Vets@labor.ny.gov](mailto:Ask.Vets@labor.ny.gov)

Services: Workforce and training resources, unemployment insurance, the Experience Counts program, and more.



Department of  
Veterans' Services

WE ARE YOUR DOL



Department  
of Labor

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# BENEFICIOS Y SERVICIOS PARA VETERANOS

Los siguientes recursos y líneas directas están disponibles sin costo para ayudar a los veteranos a comprender sus derechos, protecciones, beneficios y adaptaciones:

[dol.ny.gov/veteran-benefits-and-services](http://dol.ny.gov/veteran-benefits-and-services)

## RECURSOS DE SALUD MENTAL Y ABUSO DE SUSTANCIAS

*Todas las llamadas y mensajes de texto son gratuitos y confidenciales*

**Línea de crisis para veteranos del Departamento de Asuntos de Veteranos de los Estados Unidos:**

[www.veteranscrisisline.net](http://www.veteranscrisisline.net)

Llame al: 988, presione 1 Envíe Texto: 838255

**Línea de vida de suicidio y crisis:**

[www.veteranscrisisline.net](http://www.veteranscrisisline.net)

Llame al: 988 Envíe Texto: 988

**Línea de texto de crisis:**

Envíe Texto: 741741 Chat: [crisistextline.org](http://crisistextline.org)

**Oficina de Salud Mental del Estado de Nueva York (OMH):** [www.omh.ny.gov](http://www.omh.ny.gov)

**Oficina de Servicios y Apoyo para la Adicción (OASAS) del Estado de Nueva York:** [www.oasas.ny.gov/hopeline](http://www.oasas.ny.gov/hopeline)

Llame al: 1-877-8-HOPENY (467469)

Envíe Texto: HOPENY (467369)

## BENEFICIOS FISCALES

**Departamento de Impuestos y Finanzas del Estado de Nueva York**

- Información para personal militar y veteranos: [tax.ny.gov/pit/file/military\\_page.htm](http://tax.ny.gov/pit/file/military_page.htm)
- Exenciones del impuesto sobre la propiedad: [tax.ny.gov/pit/property/exemption/vetexempt.htm](http://tax.ny.gov/pit/property/exemption/vetexempt.htm)

## EDUCACIÓN, FUERZA LABORAL Y RECURSOS DE CAPACITACIÓN

**Programa de Preparación y Empleo para Veteranos (VR&E):** [www.benefits.va.gov/vocrehab](http://www.benefits.va.gov/vocrehab)

**Programa de Créditos de Servicio Civil del Estado de Nueva York para Veteranos:** [www.cs.ny.gov](http://www.cs.ny.gov)

## RECURSOS ADICIONALES

**Línea directa de violencia doméstica y sexual del Estado de Nueva York:**

Llame al: 800-942-6906 Envíe Texto: 844-997-2121

**Línea directa de acoso sexual en el lugar de trabajo del estado de Nueva York:**

Llame al: 1-800-HARASS-3

**Departamento de Vehículos Motorizados del Estado de Nueva York:**

- Documento fotográfico de designación de estado de veterano: [dmv.ny.gov/more-info/veteran-status-designation-photo-document](http://dmv.ny.gov/more-info/veteran-status-designation-photo-document)
- Matrícula de veterano: [dmv.ny.gov/plates/military-and-veterans](http://dmv.ny.gov/plates/military-and-veterans)

## SERVICIOS LEGALES

**Tribunales de Tratamiento de Veteranos (VTC):** [ww2.nycourts.gov/courts/problem\\_solving/vet/courts.shtml](http://ww2.nycourts.gov/courts/problem_solving/vet/courts.shtml)  
Correo electrónico: [ProblemSolving@courts.state.ny.us](mailto:ProblemSolving@courts.state.ny.us)

**Programa de Defensa de Veteranos de la Asociación de Defensores del Estado de Nueva York:** [www.nysda.org/page/VDP](http://www.nysda.org/page/VDP)

## DEPARTAMENTO DE SERVICIOS PARA VETERANOS DEL ESTADO DE NUEVA YORK

Sitio web: [veterans.ny.gov](http://veterans.ny.gov)

Línea de ayuda: 1-888-838-7697

Correo electrónico: [DVSInfo@veterans.ny.gov](mailto:DVSInfo@veterans.ny.gov)

*Servicios:* Legal, educación, empleo y voluntariado, financiero, atención médica y más.

## PROGRAMA DE VETERANOS DEL DEPARTAMENTO DE TRABAJO DEL ESTADO DE NUEVA YORK

Sitio web: [dol.ny.gov/services-veterans](http://dol.ny.gov/services-veterans)

Línea de ayuda: 1-888-469-7365

Correo electrónico: [Ask.Vets@labor.ny.gov](mailto:Ask.Vets@labor.ny.gov)

*Servicios:* Recursos para la fuerza laboral y capacitación, seguro de desempleo, el programa Experience Counts y más.



**Department of Veterans' Services**

**WE ARE YOUR DOL**



**Department of Labor**

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## ARTICLE 23-A

### LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

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:

(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" 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 criminal 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 or 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 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.

(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 criminal 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.

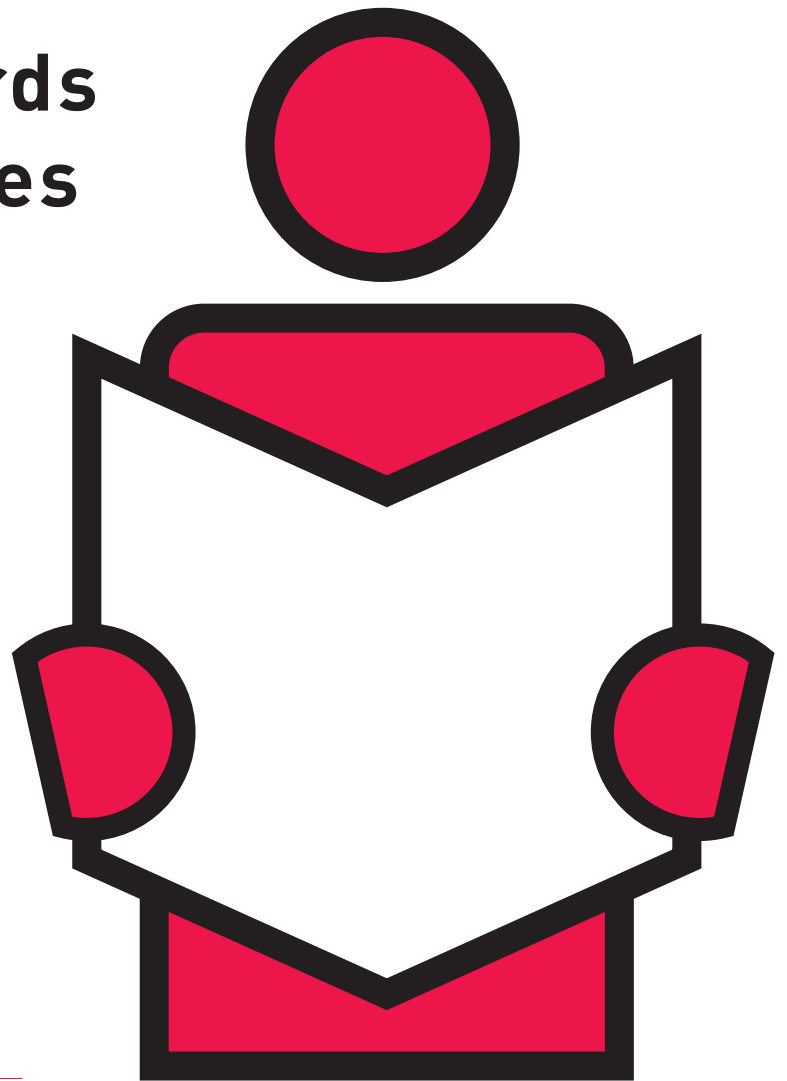
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# YOU HAVE A RIGHT TO KNOW!

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:



\_\_\_\_\_  
Name

\_\_\_\_\_  
Location & Phone Number

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

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## **Notice of Employee Rights, Protections, and Obligations Under Labor Law Section 740**

### **Prohibited Retaliatory Personnel Action by Employers Effective January 26, 2022**

§ 740. Retaliatory action by employers; prohibition.

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

- (a) “Employee” means an individual who performs services for and under the control and direction of an employer for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of an employer’s business enterprise who are not themselves employers.
- (b) “Employer” means any person, firm, partnership, institution, corporation, or association that employs one or more employees.
- (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;
  - (ii) any federal, state, or local court, or any member or employee 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 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 social services law, to a federal, state, or local agency.

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

- (f) "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.
2. Prohibitions. An employer shall not take any retaliatory action against an employee, whether or not within the scope of the employee's job duties, because such employee does any of the following:
- (a) discloses, or threatens to disclose to a supervisor or to a public body 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 activity, policy or practice by such employer; or
  - (c) objects to, or refuses to participate in any such activity, policy or practice.
3. Application. 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 the activity, policy or practice to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice. Such employer notification shall not be required where:
- (a) 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 activity, policy or practice;
  - (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 person; or
  - (e) the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such 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 in which the complainant resides, 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 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, and attorney's fees;
  - (f) a civil penalty of an amount not to exceed ten thousand dollars; and/or
  - (g) the payment by the employer of punitive damages, if the violation was willful, malicious or wanton.
6. 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 employment contract.
8. 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.

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THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN RIGHTS LAW (EXECUTIVE LAW, ARTICLE 15)

ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK (LEY EJECUTIVA, SECCIÓN 15)

**DISCRIMINATION BASED UPON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, PREGNANCY, GENDER IDENTITY OR EXPRESSION, DISABILITY OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW. SEXUAL HARASSMENT OR HARASSMENT BASED UPON ANY OF THESE PROTECTED CLASSES ALSO IS PROHIBITED.**

**LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK PROHÍBE LA DISCRIMINACIÓN POR EDAD, RAZA, CREDO, COLOR, ORIGEN NACIONAL, ORIENTACIÓN SEXUAL, ESTATUS MILITAR, SEXO, EMBARAZO, IDENTIDAD O EXPRESIÓN DE GÉNERO, DISCAPACIDAD O ESTADO CIVIL. TAMBIÉN ESTÁ PROHIBIDO EL ACOSO SEXUAL O EL ACOSO POR CUALQUIERA DE ESTAS CLASES PROTEGIDAS.**

**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 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**

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 retaliated against.**

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

**TODOS LOS EMPLEADORES (hasta el 8 de febrero de 2020, solo los empleadores de cuatro o más personas), AGENCIAS DE EMPLEO, ORGANIZACIONES DE TRABAJO Y PROGRAMAS DE CAPACITACIÓN DE APRENDICES**

Asimismo, está prohibida la discriminación en el empleo sobre la base de la 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 estado civil; las condiciones relacionadas con el embarazo.

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 esenciales de un trabajo de manera razonable.

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) están protegidos de toda discriminación descrita arriba.

**ALQUILER, ARRENDAMIENTO O VENTA DE VIVIENDA, TERRENO O ESPACIO COMERCIAL INCLUYENDO ACTIVIDADES DE AGENTE DE BIENES RAÍCES Y VENEDORES**

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

También es posible que sea necesario realizar modificaciones y arreglos razonables para personas con discapacidades.

Excepciones:

- (1) alquiler de un apartamento en una casa para dos familias ocupada por el dueño
- (2) restricciones de todas las habitaciones en una vivienda para individuos del mismo sexo
- (3) alquiler de una habitación por parte del ocupante de una casa o apartamento
- (4) venta, alquiler o arrendamiento de alojamiento en una casa exclusivamente a personas mayores de 55 años y al cónyuge de dichas personas

También se prohíbe: discriminación en vivienda sobre la base del estado civil (por ejemplo, familias con hijos).

**TODAS TRANSACCIONES CREDITICIAS INCLUYENDO FINANCIAMIENTO PARA LA COMPRA, MANTENIMIENTO Y REPARACION DE VIVIENDAS**

**LUGARES DE ALOJAMIENTO PÚBLICO, COMO RESTAURANTES, HOTELES, HOSPITALES Y CONSULTORIOS MÉDICOS, CLUBS, PARQUES Y OFICINAS DEL GOBIERNO.**

Excepción:

La edad no es una clasificación cubierta respecto a los alojamientos públicos. Es posible que sea necesario realizar arreglos razonables para personas con discapacidades.

**INSTITUCIONES EDUCATIVAS**

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 DISCRIMINATORIO**

Si desea presentar una demanda formal ante la División de Derechos Humanos, debe hacerlo dentro de un año desde que ocurra la discriminación. Los servicios de la División se ofrecen sin cargo.

Si desea presentar una demanda ante el Tribunal Estatal, puede hacerlo dentro de los tres años desde que ocurriera la discriminación. No puede presentar una demanda ante la División y ante el Tribunal Estatal.

**Se prohíben las represalias por presentar una demanda u oponerse a prácticas discriminatorias. Puede presentar una demanda ante la División si sufrió represalias.**

PARA OBTENER MÁS INFORMACIÓN, ESCRIBA O LLAME A LA OFICINA MÁS CERCANA DE LA DIVISIÓN. OFICINA CENTRAL:  
ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

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**New York State Public Health Law - Article 13E**

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Summary of New York State  
Labor Laws Relating to  
**Farm and Food Processing  
Employment\***

\* This summary is intended for:

GROWERS AND FOOD PROCESSORS

FARM LABOR CONTRACTORS

(It lists only some of the laws that apply to food processing plants.)

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# I. Farm Labor Registration

## A. Farm Labor Contractors

A farm labor contractor is someone who is paid for doing any of the following for a New York State grower or food processor:

- Recruit workers
- Hire Workers
- Transport workers
- Supply workers
- Direct, supervise or control any workers you have recruited, transported, supplied or hired

### **Farm Labor Contractor Certificate of Registration - Farm Labor Contractors**

You must have a Farm Labor Contractor Certificate of Registration from the Commissioner of Labor for each grower or food processor that employs you as a contractor.

- You must submit the Application for Farm Labor Contractor Certificate of Registration (LS 113.1ind if you are an individual contractor or LS 113.1con if you are a business contractor) available at [www.dol.ny.gov](http://www.dol.ny.gov).
- On this form, you must furnish information on wages, working conditions, and housing.
- The grower/food processor must countersign your application using form LS113.15 available on our website. The grower/food processor will be stating that all the information in your application is true.
- If this is your first time applying (or the Department of Labor tells you another scan is required), you must have your fingerprints scanned at a Morpho Trust USA location in New York State (see instructions on forms LS 121 and LS 122 available on our website). If you cannot have your fingerprints scanned at a Morpho Trust USA location in New York State, call (518) 485-1929 for assistance.

If your application is approved, the Department will issue a Farm Labor Contractor Certificate of Registration to you for each grower/food processor that you are working for.

- A Certificate of Registration will also be issued to each grower or food processor, allowing them to use your services.
- No grower or food processor may hire you until you both have certificates.
- You must show your certificate(s) to the Commissioner of Labor's representative upon request.

### **Pay Notice and Work Agreement for Your Own Employees**

This section applies to you, the contractor, when you are the employer of a worker. This includes, but is not limited to, your own bookkeeper, truck driver, commissary worker, or farm laborer.

NYS Labor Law requires you to give each of your own employees a written pay notice:

- At hiring
- In advance of any reduction in the rate of pay and
- Whenever there is a change in any of the information, unless it will be shown on the next paystub

You must give the pay notice in English, and also in the worker's primary language if a pay notice form in the primary language is posted on the NYS Department of Labor's website.

- You can use Pay Notice and Work Agreement for Farm Workers (LS 309). It is currently available in English, Spanish, and 15 other languages on our website at [www.dol.ny.gov](http://www.dol.ny.gov).
- You can use your own form instead, as long as it contains at least the same information as the LS 309.

Sign the pay notice and work agreement with each worker, give each worker one copy, and keep one copy for your records.

## **Federal Migrant and Seasonal Agricultural Worker Protection Act**

You must also obey the federal Migrant and Seasonal Agricultural Worker Protection Act. For more information, contact the nearest office of the U.S. Department of Labor, Wage and Hour Division.

### **B. Growers and Food Processors Using Contractors**

#### **Certificates of Registration for both Grower/Processor and Contractor**

You may only hire a farm labor contractor who has a Farm Labor Contractor Certificate of Registration showing the name of your farm or plant.

Certificates of Registration will be issued to you and your contractor after you countersign the contractor's application using the countersignature form LS113.15 available on our website at:

<https://dol.ny.gov/system/files/documents/2025/03/ls113.15.pdf> and the application is approved by the Department of Labor.

#### **Short-Term Jobs – 5 Days Or Less**

A grower or food processor may hire a certified farm labor contractor for five days or less if:

- Before starting work:
  - Each worker has been given a written pay notice and work agreement, from whomever will be the employer
  - The employer has posted, in a place visible to the workers, a copy of any generally applicable work agreement and
- Within 24 hours of starting work, the contractor:
  - Submits a special Supplemental Application Form (LS 392), countersigned by the grower or food processor, to the New York State Department of Labor
  - Posts a copy of the LS 392 at the job location

### **C. Growers and Food Processors Not Using Contractors**

#### **Grower or Processor Certificate of Migrant Labor Registration**

If you bring or are responsible for bringing five or more non H-2A out-of-state migrant workers into New York State, without using the services of a farm labor contractor:

- You must get a Certificate of Migrant Labor Registration, from the Commissioner of Labor, each year, before the migrant workers are brought into the state.
- In your application, you must provide information on:
  - Wages
  - Housing
  - Working conditions
- Your certificate must be shown, upon request, to any duly authorized representative of the Commissioner of Labor.

You must also get a Certificate of Migrant Labor Registration if you employ five or more non H-2A migrant workers who have been brought into the state by another grower or food processor.

#### **Pay Notice and Work Agreement**

The Minimum Wage Order for Farm Workers has long required written work agreements between farm employers and farm workers. Labor Law requires all employers in all industries to give each employee a written pay notice.

To satisfy both requirements with one document, farm employers can use:

- Pay Notice and Work Agreement for Farm Workers (LS 309)
- The LS 309 form which is currently available in English, Spanish, and 15 other languages on our website at [www.dol.ny.gov](http://www.dol.ny.gov) or
- Your own document if it has at least the same information as the LS 309.

Give the pay notice and work agreement:

- At hiring
- In advance of any reduction in the rate of pay
- Whenever there is a change in any of the information, unless it will be shown on the next paystub

Sign the document with the worker. Give the worker a copy in English or in both languages if applicable. Keep copies for your records.

## **II. Farm Labor Camp Commissaries**

If you operate a farm labor camp commissary where wares, merchandise, or food (including meals) will be sold to workers:

- You must get a permit each year from the Commissioner of Labor before you may open the commissary.
  - The permit must be posted visibly in the commissary.
- You must post, and keep posted, the current prices of all goods that are for sale or lease to workers in a visible place in the commissary.
  - This price list must be on a form supplied by the Department of Labor.
  - You may not charge more than the prices listed on the poster.
- You must keep a record of all charges made to each farm or food processing worker. This record must include the name of the grower, food processor, or contractor who hired the worker.

## **III. Denial, Revocation, or Suspension of Certificates and Permits**

The Commissioner of Labor may revoke, suspend or refuse to issue or renew a certificate or permit if the Commissioner finds that the applicant or holder of the permit or certificate:

- Has violated the Labor Law
- Has been convicted of any crime or offense related to his or her activity under the certificate or permit
- Has made misrepresentations or false statements in the application
- Has given false or misleading information to workers who are recruited or hired
- Is not a person of good character or responsibility
- Is not, in fact, the real party of interest in any such application or certificate of registration
- If the commissioner is notified by the State Department of Health that the applicant or permit or certificate holder has failed to comply with the State Sanitary Code for Migrant Labor Camps

The Commissioner cannot revoke, suspend or refuse to issue or renew a certificate or permit unless the applicant or permit or certificate holder has been given an opportunity to be heard.

The Commissioner or authorized representative has the right to inquire by investigation or hearing into the circumstances surrounding the use of the permit or certificate.

- This inquiry is to make a determination as to the issuance, or denial of a certificate or permit.
- The investigation or hearing may include, but shall not be limited to, questioning of the applicant and other parties of interest.
- Your application can be denied if you do not list all other parties of interest in your application.

If the Commissioner denies or revokes your certificate or permit, you may not apply for a new one until 24 months from the date of the denial or revocation. Under certain conditions, the Commissioner may reduce the disqualification period.

You must submit any new application at least 90 days prior to the date that you plan to perform services in New York State.

## **IV. Wages**

### **Frequency of Payment**

You may not make any deductions from wages except those that are:

- A. Required or authorized by law, such as:
  - Social Security
  - Medicare
  - Withholding taxes
  - Court-ordered deductions
- B. Authorized in writing by the employee, and for his or her benefit
- C. Related to overpayment of wages and according to the rules in Part 195
- D. Repayment of advances of wages and according to the rules in Part 195

You may not make any charge against a worker's wages, or require a worker to make any payment by separate transaction from wages, unless the charge or payment would be permitted as a legal deduction from wages.

You may not deduct from wages, or charge workers separately for:

- Damage, spoilage or breakage
- Shortages or losses
- Cost of uniform garments
- Fines or penalties for lateness, misconduct, or quitting without notice

### **Final Wages**

If an employee is let go or resigns, you must pay the final wages no later than the regular payday for those wages.

- You must allow the employee to pick up the final wages in person.
- If the employee requests it, you must pay the final wages by mail.

## **V. Minimum Wage**

### **New York State Minimum Wage Law**

Effective January 1, of each year, the New York State minimum wage is shown in the rate schedule below for both agricultural and non-agricultural operations.

## General Minimum Wage Rate Schedule

Location	1/1/24	1/1/25	1/1/26
New York City - Large Employers (11 or more employees)	\$16.00 /hour	\$16.50 /hour	\$17.00 /hour
New York City - Small Employers (10 or fewer employees)	\$16.00 /hour	\$16.50 /hour	\$17.00 /hour
Long Island & Westchester County	\$16.00 /hour	\$16.50 /hour	\$17.00 /hour
Remainder of New York State	\$15.00 /hour	\$15.50 /hour	\$16.00 /hour

To be covered by the minimum wage, farms must have paid at least \$3,000 in cash wages during the prior calendar year.

- Part 190 Minimum Wage Order for Farm Workers covers farms and those grading houses and processing plants operated by a farm that process only the farm's own products.
- Part 142 Minimum Wage Order for Miscellaneous Industries and Occupations covers commissaries and generally covers canneries, grading houses, and processing plants that process the products of more than one farm or are not operated by a farm. Workers covered by this wage order must receive overtime pay at 1½ times the worker's regular rate of pay for work over 40 hours in a week.

There are further details, not summarized here, on determining wage order coverage for work in canneries, grading houses, and processing plants that, while operated by a farm, process products from more than one farm.

The Minimum Wage Orders are available on our website at [www.dol.ny.gov](http://www.dol.ny.gov) or by calling a phone number listed at the end of this publication.

## Federal Minimum Wage Law

Since July 24, 2009, the federal minimum wage for farms is \$7.25 per hour.

Employers that hired agricultural workers for more than 500 days of any calendar quarter of the preceding calendar year are covered by the federal minimum wage.

For more information, contact the nearest office of the U.S. Department of Labor, Wage and Hour Division.

## Overtime and Day-of-Rest

Beginning on January 1, 2020 every farm laborer shall be allowed at least 24 consecutive hours of rest in each calendar week. Nothing in this provision prevents a farm laborer from voluntarily working on his/her day-of-rest provided that his/her employer compensates the employee at a rate of at least time and one-half of the employees' regular rate of pay for all hours worked on the day-of-rest.

Also beginning on January 1, 2020, farm laborers are entitled to receive overtime pay for hours worked in a single work week in excess of the farm laborer overtime threshold, which is as follows.

JANUARY 1, 2020	60 HOURS
JANUARY 1, 2024	56 HOURS
JANUARY 1, 2026	52 HOURS
JANUARY 1, 2028	48 HOURS
JANUARY 1, 2030	44 HOURS
JANUARY 1, 2032	40 HOURS

## VI. Payroll Records and Wage Statements

Effective April 9, 2011, farm employers, like all other employers, must preserve their payroll records for six years. For each employee, the records must show:

- Employee name and address
- Social Security number
- Total hours worked daily and weekly
- Employee's designated day-of-rest
- Hours voluntarily worked on employee's day-of-rest
- Employee's written assent to work on his/her designated day-of-rest
- Overtime rate paid to employee
- The wage rate
- The number of units produced daily and weekly, if paid by piece rate
- The size or weight of the piece rate unit
- Gross wages
- All deductions
- Credits claimed (such as for meals, lodging, payments in kind)
- Net wages
- Copies of the signed pay notices/work agreements

For non-agricultural employees who are covered by the overtime pay requirements of the labor law, the records must also show:

- Regular hours worked
- Overtime hours worked
- The regular hourly rate of pay
- The overtime hourly rate of pay

With every payment of wages, the employer must give the employee a wage statement (pay stub) showing:

- The dates of work covered by that payment of wages
- Full name and address of the employer
- Phone number of the employer
- Name of the worker
- Total hours worked
- Rates paid and the basis thereof (per hour, per piece, etc.)
- The size or weight of the piece rate unit, if paid by piece rate
- The number of units produced, if paid by piece rate
- The number of units produced daily and weekly, if paid by piece rate
- Gross wages
- All deductions
- Credits claimed (for meals, lodging, payments in kind)
- Net wages

For non-agricultural employees who are covered by the overtime pay requirements of the labor law, the wage statement (pay stub) must also show:

- Regular hours worked
- Overtime hours worked
- The regular hourly rate of pay
- The overtime hourly rate of pay

The *Wage Statement* (AL 446) form is available on our website.

## **VII. Child Labor**

### **A. Minors Working on Farms**

#### Children Aged 16 and 17

- May be employed on any farm without a farm work permit and without any hours restrictions, except during school hours.

#### Children Aged 14 and 15

- May be employed on the home farm of their own parents or guardians without a farm work permit and without any hours restrictions, except during school hours.
- May be employed on another farm if they carry a Farm Work Permit issued by the school and signed by the employer. There are no hours restrictions, except during school hours.

#### Children Aged 12 and 13

- May be employed on the home farm of their own parents or guardians without a farm work permit and without any hours restrictions, except during school hours.
- May be employed on another farm if they have a Farm Work Permit – Special (AT-25) and:
  - Must be accompanied by, or present the written consent of, a parent or adult with whom they reside
  - May only engage in the hand harvest of berries, fruits and vegetables
  - May work no more than 4 hours a day
  - Their hours must fall between 7am and 7pm from June 21st through Labor Day
  - Their hours must fall between 9am and 4pm from the day after Labor Day through the next June 20th

#### Children Under 12

- May not be employed in connection with any trade, business or service, including the farm business of their own parents or guardians.
- May do ordinary household and yard chores not connected with the business.

#### Prohibited Farm Work for Children Under Age 16

- A list of hazardous farm work that children under 16 are prohibited from doing is found in the back of Part 190 Minimum Wage Order for Farm Workers. This publication is available on our website [www.dol.ny.gov](http://www.dol.ny.gov) or from a phone number listed at the end of this publication.

### **B. Minors Working in Food Processing Plants**

Persons must be at least 18 years old to work in a slaughtering, meat packing, or rendering establishment.

Children must be at least 16 years old to work in a food processing plant which is (a) off the farm or (b) on the farm but handles products grown on other farms.

Children must be at least 14 years old to work in a food processing plant which is on the farm and handles only products grown by the farmer.

You may employ a 16 or 17 year old in a food processing plant which is (a) off the farm or (b) on the farm but handles products grown on other farms:

- If the minor has given you an Employment Certificate (working papers) issued by a school, before starting work
- Keep the employment certificate at the workplace while the minor is employed
- Employ the minor only within the permitted hours printed on the back of the certificate
- Return the certificate to the minor when employment ends

You may employ a 16 or 17 year old in a food processing plant which is on the farm and handles only products grown by the farmer, without any Employment Certificate or hours restrictions, except not during school hours.

You may employ a 14 or 15 year old in a food processing plant which is on the farm and handles only products grown by the farmer, if the minor shows you, and carries while working, a Farm Work Permit which you must sign. There are no hours restrictions, except not during school hours.

Minors under 18 years of age are prohibited from certain hazardous tasks. They may not:

- Clean, oil or wipe machinery
- Operate power-driven meat processing machines
- Operate power-driven bakery products machines
- Operate balers or compactors
- Operate or assist with power-driven hoisting apparatus

The above is only a partial list of prohibited tasks. For more details, look up “prohibited occupations” on our website at [www.dol.ny.gov](http://www.dol.ny.gov) or contact the number listed at the end of this publication.

## **VIII. Civil Penalties for Labor Law Violations**

If the Department of Labor finds an employer has failed to pay wages or benefits that are due an employee, the Department can charge the employer:

- The full amount of wages or benefits found due plus:
  - Liquidated damages up to 100% of the wages or benefits found due
  - Civil penalty up to 200% of the wages or benefits found due
  - Interest at 16%

For violations of labor law, such as the migrant registration laws, the farm labor camp commissary law, the record-keeping provisions, the wage statement provisions, the illegal deduction law, the meal period law, and the child labor laws, the Department can charge the employer:

- Up to \$1,000 for the first violation
- Up to \$2,000 for the second violation and
- Up to \$3,000 for the third or subsequent violation

## **IX. Drinking Water for Farm Laborers**

Every grower or food processor must provide safe drinking water at each site where farm or food processing workers are working. The drinking water:

- Must be provided at the employer’s expense
- May be in a portable container
- Must be reasonably accessible to the workers

## **X. Field Sanitation for Farm Workers**

Every grower or food processor must provide toilet and hand-washing facilities for workers, including transportation to such facilities. Toilet and hand-washing facilities must be:

- At the employer's expense
- Located together

If five or more people are working at the same site, the toilet and hand-washing facilities:

- Must be within a quarter mile walk or
- At the closest point accessible by motor vehicle.

Violation of this is a misdemeanor punishable by a fine of \$500 to \$1,000 on the first offense and \$1,000 to \$3,000 on the second or subsequent offense.

## **XI. Workers' Compensation, Disability Benefits and Paid Family Leave Insurance**

### **A. Farm Employers**

#### **Workers' Compensation Insurance**

A farm employer must have workers' compensation insurance coverage for all of his/her farm workers. If a farm labor contractor only recruits or supplies farm workers, these workers are generally considered employees of the owner or lessee of the farm.

Insurance loss costs per \$100 of payroll for each employee for various types of farms can be found on the New York Compensation Insurance Rating Board web site at [www.nycirb.org](http://www.nycirb.org):

- Scroll down to "**Online Tools**"
- Click on "**View All Online Tools**"
- Scroll down and click on "**Classification Digest 2.0**"
- Search for "**Farm**"

For details, contact your insurance agent or:

New York Compensation Insurance Rating Board  
875 Third Ave FL 8  
New York, NY 10022  
Phone (212) 697-3535

#### **Disability Benefits and Paid Family Leave**

Farm employers must provide disability benefits and Paid Family Leave coverage for their farm laborers as well as for any employees who perform non-farm-specific duties, such as bookkeeping, truck driving, or retail sales.

### **B. Farm Labor Contractors**

Farm labor contractors must provide workers' compensation, disability benefits and Paid Family Leave coverage if they are hiring, transporting and supervising farm laborers, and for some of their employees (such as truck drivers and commissary workers). They do not need to provide coverage if they are only recruiting and supplying farm laborers; this is the responsibility of the farmer.

### **C. Commissary Operators**

Commissary operators must provide workers' compensation, disability benefits and Paid Family Leave coverage for all their employees. Commissary Permits are not valid unless the commissary operator provides such coverage for all of his/her employees.

## D. All Employers

If an employer purchases workers' compensation insurance coverage, the employer must pay the full cost. It is illegal to require employees to pay any of the costs of workers' compensation premiums or injuries.

For disability benefits, the employer may withhold employee contributions of up to 60 cents per week. For Paid Family Leave, the employer may withhold the full cost of the insurance premium from employees, based on the annual contribution rate set each year by the Department of Financial Services.

For additional information on workers' compensation, disability benefits and Paid Family Leave contact your insurance agent. More information is also available online at [www.wcb.ny.gov](http://www.wcb.ny.gov) and [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov).

## XII. Unemployment Insurance

Employers of agricultural workers become liable for unemployment insurance contributions as of the first day of the calendar quarter in which they pay total remuneration of \$300 or more, or as of the date they purchase the business of another liable employer or otherwise become successor to that employer.

Payments to individuals performing services under an H-2A Visa are excluded from coverage and is not considered remuneration.

A farm labor crew leader would also become liable if any of the conditions above are met and:

- The leader is not the employee of the farm operator
- The leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963, or substantially all of the crew operate or maintain mechanized equipment which the crew leader provides

Agricultural employers who do not meet the conditions for liability may choose to cover their employees voluntarily.

Employers who are not sure if they are required to pay unemployment insurance contributions, or who wish to cover their employees voluntarily, should write to:

New York State Department of Labor  
Unemployment Insurance Division, Liability and Determination Section  
1220 Washington Avenue  
Albany, NY 12226

## XIII. Contact Information

Visit the website of the NYS Department of Labor at [www.dol.ny.gov](http://www.dol.ny.gov). Send an e-mail to the NYS Department of Labor directly from our website's home page.

Contact the NYS Department of Labor at: (518) 457-9000, (888) 469-7365 or (800) 662-1220 (TTY/TTD)

**For information or questions directly related to permit applications, call (518) 485-1929.**

Resumen de las Leyes Laborales  
del Estado de Nueva York Relacionadas con  
**Empleo en explotaciones agrícolas y  
procesamiento de alimentos\***

\* Este resumen está dirigido a:

PRODUCTORES AGRÍCOLAS Y PROCESADORES DE ALIMENTOS

CONTRATISTAS DE MANO DE OBRA AGRÍCOLA

(Enumera solo algunas de las leyes aplicables a las plantas procesadoras de alimentos.)

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# I. Registro de trabajadores agrícolas

## A. Contratistas de mano de obra agrícola

Un contratista de mano de obra agrícola es una persona que recibe pago por realizar cualquiera de las siguientes actividades para un productor agrícola o procesador de alimentos del estado de Nueva York:

- Reclutar trabajadores
- Contratar trabajadores
- Transportar a trabajadores
- Suministrar trabajadores
- Dirigir, supervisar o controlar a los trabajadores que haya reclutado, transportado, suministrado o contratado

### **Certificado de registro de contratista de mano de obra agrícola - Contratistas de mano de obra agrícola**

Debe contar con un Certificado de registro de contratista de mano de obra agrícola del Comisionado de Trabajo para cada productor agrícola o procesador de alimentos que lo emplee como contratista.

- Debe enviar la Solicitud de Certificado de registro de contratista de mano de obra agrícola (LS 113.1, ind. si es un contratista individual o LS 113.1, con si es un contratista comercial), disponible en [www.dol.ny.gov](http://www.dol.ny.gov).
- En este formulario, debe proporcionar información sobre salarios, condiciones de trabajo y alojamiento.
- El productor agrícola o procesador de alimentos debe refrendar su solicitud mediante el formulario LS113.15 disponible en nuestro sitio web. El productor agrícola/procesador de alimentos indicará que toda la información en su solicitud es verdadera.
- Si es la primera vez que presenta una solicitud (o el Departamento de Trabajo le indica que se requiere otro escaneo), debe escanear sus huellas digitales en una sede de Morpho Trust USA en el Estado de Nueva York (consulte las instrucciones en los formularios LS 121 y LS 122 disponibles en nuestro sitio web). Si no puede escanear sus huellas digitales en una sede de Morpho Trust USA en el Estado de Nueva York, llame al (518) 485-1929 para obtener ayuda.

Si se aprueba su solicitud, el Departamento le emitirá un Certificado de registro de contratista de mano de obra agrícola para cada productor agrícola/procesador de alimentos para el que esté trabajando.

- También se emitirá un Certificado de registro a cada productor agrícola o procesador de alimentos, permitiéndoles utilizar sus servicios.
- Ningún productor agrícola o procesador de alimentos puede contratarlo hasta que ambos cuenten con certificados.
- Debe mostrar su(s) certificado(s) al representante del Comisionado de Trabajo si así lo solicita.

### **Aviso de pago y acuerdo de trabajo para sus propios empleados**

Esta sección se aplica a usted, el contratista, cuando actúa como empleador de un trabajador. Esto incluye, pero no se limita a, su propio contador, conductor de camión, trabajador de economato, o trabajador agrícola. La Ley de Trabajo del Estado de Nueva York requiere que le dé a cada uno de sus propios empleados un aviso de pago por escrito:

- Durante la contratación
- Antes de cualquier reducción en la tarifa salarial, y
- Siempre que haya un cambio en alguna de las informaciones, a menos que se muestre en el próximo talón de pago

Debe entregar el aviso de pago en inglés y también en el idioma principal del trabajador si se publica un formulario de aviso de pago en el idioma principal en el sitio web del Departamento de Trabajo del Estado de Nueva York.

- Puede usar el Aviso de Pago y el Acuerdo de Trabajo para Trabajadores Agrícolas (LS 309). Actualmente está disponible en inglés, español y otros 15 idiomas en nuestro sitio [www.dol.ny.gov](http://www.dol.ny.gov).
- En su lugar, puede usar su propio formulario, siempre que contenga al menos la misma información que el LS 309.

Firme el aviso de pago y el acuerdo de trabajo con cada trabajador, entregue a cada trabajador una copia y guarde una copia para sus registros.

### **Ley Federal de Protección para Trabajadores Agrícolas Migrantes y de Temporada**

También debe cumplir con la Ley Federal de Protección para Trabajadores Agrícolas Migrantes y de Temporada. Para obtener más información, comuníquese con la oficina más cercana de la División de Salarios y Horas del Departamento de Trabajo de EE.UU.

### **B. Productores agrícolas y procesadores de alimentos que utilizan contratistas**

#### **Certificados de registro tanto para el productor agrícola/procesador como para el contratista**

Solo puede contratar a un contratista de mano de obra agrícola que cuente con un Certificado de registro de contratista de mano de obra agrícola que muestre el nombre de su explotación agrícola o planta procesadora.

Se le emitirán certificados de registro a usted y a su contratista después de que refrende la solicitud del contratista utilizando el formulario de refrendo LS113.15, disponible en nuestro sitio web en:

<https://dol.ny.gov/system/files/documents/2025/03/ls113.15.pdf> y de que la solicitud haya sido aprobada por el Departamento de Trabajo.

#### **Trabajos de corta duración: 5 días o menos**

Un productor agrícola o procesador de alimentos puede contratar a un contratista certificado de mano de obra agrícola por cinco días o menos si:

- Antes de empezar a trabajar:
  - A cada trabajador se le ha dado un aviso de pago por escrito y un acuerdo de trabajo de quién será el empleador
  - El empleador ha publicado, en un lugar visible para los trabajadores, una copia de cualquier acuerdo de trabajo generalmente aplicable, y
- Dentro de las 24 horas posteriores al inicio del trabajo, el contratista:
  - Envía un Formulario de Solicitud Suplementaria especial (LS 392), refrendado por el productor agrícola o procesador de alimentos, al Departamento de Trabajo del Estado de Nueva York
  - Publica una copia del LS 392 en el lugar de trabajo

### **C. Productores agrícolas y procesadores de alimentos que no utilizan contratistas**

#### **Certificado de registro de mano de obra migrante de productor agrícola o procesador**

Si trae o es responsable de traer cinco o más trabajadores migrantes de fuera del Estado que no son H-2A al Estado de Nueva York, sin utilizar los servicios de un contratista de mano de obra agrícola:

- Debe obtener un Certificado de registro de trabajadores migrantes, del Comisionado del Trabajo, cada año, antes de que los trabajadores migrantes sean traídos al estado.
- En su solicitud, debe proporcionar información sobre:
  - Salarios
  - Alojamiento

- Condiciones de trabajo

- Su certificado debe mostrarse, previa solicitud, a cualquier representante debidamente autorizado del Comisionado de Trabajo.

También debe obtener un Certificado de registro de mano de obra migrante si emplea a cinco o más trabajadores migrantes que no son H-2A y que han sido traídos al Estado por otro productor agrícola o procesador de alimentos.

### **Aviso de pago y acuerdo de trabajo**

La Orden de Salario Mínimo para los Trabajadores Agrícolas ha requerido durante mucho tiempo acuerdos de trabajo por escrito entre empleadores y trabajadores agrícolas. La Ley de Trabajo requiere que todos los empleadores, en todas las industrias, le den a cada empleado un aviso de pago por escrito.

Para satisfacer ambos requisitos con un solo documento, los empleadores agrícolas pueden usar:

- Aviso de Pago y Acuerdo de Trabajo para Trabajadores Agrícolas (LS 309)
- El formulario LS 309 que actualmente está disponible en inglés, español y otros 15 idiomas en nuestro sitio web en [www.dol.ny.gov](http://www.dol.ny.gov) o
- Su propio documento sí incluye al menos la misma información que el LS 309.

Debe dar el aviso de pago y el acuerdo de trabajo:

- Durante la contratación
- Antes de cualquier reducción en la tarifa salarial
- Siempre que haya un cambio en alguna de las informaciones, a menos que se muestre en el próximo talón de pago

Firme el documento con el trabajador. Entregue al trabajador una copia en inglés o en ambos idiomas, si corresponde. Guarde copias para sus registros.

## **II. Economatos de campos de trabajo agrícola**

Si opera un economato de campo de trabajo agrícola donde se venderán productos, mercancías o alimentos (incluidas las comidas) a los trabajadores:

- ebe obtener un permiso anual del Comisionado de Trabajo antes de poder abrir el economato.
  - El permiso debe estar visible en el economato.
- Debe publicar, y mantener publicados, los precios actuales de todos los bienes que están a la venta o en arrendamiento a los trabajadores en un lugar visible en el economato.
  - Esta lista de precios debe estar en un formulario proporcionado por el Departamento de Trabajo.
  - No puede cobrar más de los precios que figuran en el póster.
- Debe mantener un registro de todos los cargos efectuados a cada trabajador agrícola o procesador de alimentos. Este registro debe incluir el nombre del productor agrícola, procesador de alimentos o contratista que contrató al trabajador.

## **III. Denegación, revocación o suspensión de certificados y permisos**

El Comisionado del Trabajo puede revocar, suspender o negarse a emitir o renovar un certificado o permiso si el Comisionado determina que el solicitante o titular del permiso o certificado:

- Ha violado la Ley de Trabajo
- Ha sido condenado por cualquier delito u ofensa relacionada con su actividad bajo el certificado o permiso

- Ha realizado declaraciones falsas o inexactas en la solicitud
- Ha proporcionado información falsa o engañosa a los trabajadores reclutados o contratados
- No es una persona de buen carácter ni responsable
- De hecho, no es la verdadera parte interesada en dicha solicitud o certificado de registro
- Si el Departamento de Salud del Estado notifica al Comisionado que el solicitante o el titular del permiso o certificado no ha cumplido con el Código Sanitario Estatal para Campamentos de Trabajadores Migrantes

El Comisionado no puede revocar, suspender ni negarse a emitir o renovar un certificado o permiso, a menos que se le haya dado al solicitante o al titular del permiso o certificado la oportunidad de ser escuchado.

El Comisionado o representante autorizado tiene derecho a preguntar, mediante investigación o audiencia, sobre las circunstancias relacionadas con el uso del permiso o certificado.

- Esta consulta es para tomar una determinación sobre la emisión o denegación de un certificado o permiso.
- La investigación o audiencia puede incluir, pero no se limitará a, interrogar al solicitante y a otras partes de interés.
- Su solicitud puede ser denegada si no enumera a todas las demás partes de interés.

Si el Comisionado deniega o revoca su certificado o permiso, no puede solicitar uno nuevo hasta 24 meses después de la fecha de la denegación o revocación. Bajo ciertas condiciones, el Comisionado puede reducir el período de descalificación.

Debe presentar cualquier solicitud nueva al menos 90 días antes de la fecha en que planea prestar servicios en el Estado de Nueva York.

## **IV. Salarios**

### **Frecuencia de pago**

No puede realizar ninguna deducción de los salarios, excepto las que son:

A. Requeridas o autorizadas por ley, tales como:

- Seguro Social
- Medicare
- Retención de impuestos
- Deducciones ordenadas por la corte

B. Autorizadas por escrito por el trabajador y para su beneficio

C. Relacionadas con el pago en exceso de salarios y de acuerdo con las reglas de la parte 195

D. Reembolso de anticipos de salarios y de acuerdo con las reglas de la parte 195

No puede realizar ningún cargo contra el salario de un trabajador, ni exigir que un trabajador realice ningún pago mediante una transacción separada del salario, a menos que el cargo o pago esté permitido como una deducción legal del salario.

No puede deducir de los salarios, ni cobrar a los trabajadores por separado por:

- Daños, deterioro o roturas
- Escasez o pérdidas
- Costo de prendas de uniformes
- Multas o sanciones por llegar tarde, mala conducta o abandono del trabajo sin previo aviso

## Salarios finales

Si un empleado es despedido o renuncia, debe pagarle el salario final a más tardar el día de pago habitual de esos salarios.

- Debe permitir que el empleado recoja el salario final en persona.
- Si el empleado lo solicita, debe pagarle el salario final por correo.

## V. Salario mínimo

### Ley de Salario Mínimo del Estado de Nueva York

A partir del 1 de enero de cada año, el salario mínimo del Estado de Nueva York se muestra en la tabla de tarifas a continuación para operaciones agrícolas y no agrícolas.

### Tabla general de salarios mínimos

Location	1/1/24	1/1/25	1/1/26
Ciudad de Nueva York: Grandes empleadores (11 o más empleados)	\$16.00 /hour	\$16.50 /hour	\$17.00 /hour
Ciudad de Nueva York: Pequeños empleadores (10 o menos empleados)	\$16.00 /hour	\$16.50 /hour	\$17.00 /hour
Long Island y condado de County	\$16.00 /hour	\$16.50 /hour	\$17.00 /hour
Resto del estado de Nueva York	\$15.00 /hour	\$15.50 /hour	\$16.00 /hour

Para estar cubiertas por el salario mínimo, las explotaciones agrícolas deben haber pagado al menos \$3000 en salarios en efectivo durante el año calendario anterior.

- La Orden de Salario Mínimo de la Parte 190 para Trabajadores Agrícolas cubre explotaciones agrícolas y aquellas plantas de clasificación y plantas procesadoras operadas por una explotación agrícola que procesa solo los productos propios de la explotación.
- La Orden de Salario Mínimo de la Parte 142 para Industrias y Ocupaciones Diversas cubre economatos y generalmente cubre fábricas de conservas, plantas de clasificación y plantas de procesamiento que procesan los productos de más de una explotación agrícola o que no son operadas por una explotación agrícola. Los trabajadores cubiertos por esta orden salarial deben recibir un pago por horas extras de 1½ veces la tarifa regular de pago del trabajador por trabajar más de 40 horas en una semana.

Hay más detalles, no resumidos aquí, sobre cómo determinar la cobertura de la orden salarial para el trabajo en fábricas de conservas, plantas de clasificación y plantas de procesamiento que, aunque son operadas por una explotación agrícola, procesan productos de más de una explotación agrícola.

Las órdenes de salario mínimo están disponibles en nuestro sitio web en [www.dol.ny.gov](http://www.dol.ny.gov) o llamando al número de teléfono que figura al final de esta publicación.

### Ley Federal de Salario Mínimo

Desde el 24 de julio de 2009, el salario mínimo federal para las explotaciones agrícolas es de \$7.25 por hora.

Los empleadores que contrataron a trabajadores agrícolas durante más de 500 días en cualquier trimestre del año calendario anterior están cubiertos por el salario mínimo federal.

Para obtener más información, comuníquese con la oficina más cercana de la División de Salarios y Horas del Departamento de Trabajo de EE.UU.

### **Horas extra y días de descanso**

A partir del 1 de enero de 2020, a cada trabajador agrícola se le permiten al menos 24 horas consecutivas de descanso en cada semana calendario. Nada en esta disposición impide que un trabajador agrícola trabaje voluntariamente en su día de descanso, siempre que su empleador le compense a una tasa de al menos 1½ veces la tarifa regular de pago de los empleados por todas las horas trabajadas en dicho día de descanso.

También, a partir del 1 de enero de 2020, los trabajadores agrícolas tienen derecho a recibir pago de horas extra por las horas trabajadas en una sola semana laboral que excedan el umbral de horas extra del trabajador agrícola, que es el siguiente.

1 DE ENERO DE 2020	60 HOURS
1 DE ENERO DE 2024	56 HOURS
1 DE ENERO DE 2026	52 HOURS
1 DE ENERO DE 2028	48 HOURS
1 DE ENERO DE 2030	44 HOURS
1 DE ENERO DE 2032	40 HOURS

## **VI. Registros de nómina y declaraciones de salarios**

A partir del 9 de abril de 2011, los empleadores agrícolas, como todos los demás empleadores, deben conservar sus registros de nómina durante seis años. Para cada empleado, los registros deben mostrar:

- Nombre y dirección del empleado
- Número de seguro social
- Total de horas trabajadas diarias y semanales
- Día de descanso designado del empleado
- Horas trabajadas voluntariamente en el día de descanso del empleado
- Consentimiento por escrito del empleado para trabajar en su día de descanso designado
- Tarifa de pago por horas extra
- La tarifa salarial
- El número de unidades producidas diaria y semanalmente, si se paga por pieza
- El tamaño o peso de la unidad pagada por pieza
- Salario bruto
- Todas las deducciones
- Créditos reclamados (como comidas, alojamiento, pagos en especie)
- Salario neto
- Copias de los avisos de pago/acuerdos de trabajo firmados

Para los empleados no agrícolas que están cubiertos por los requisitos de pago de horas extra de la Ley de Trabajo, los registros también deben mostrar:

- Horas regulares trabajadas
- Horas extra trabajadas
- La tarifa regular por hora
- La tarifa por hora extra

Con cada pago de salarios, el empleador debe entregarle al empleado una declaración de salarios (talón de pago) que muestre:

- Las fechas de trabajo cubiertas por ese pago de salarios
- Nombre completo y dirección del empleador
- Número de teléfono del empleador
- Nombre del trabajador
- Total de horas trabajadas
- Tarifas pagadas y la base de las mismas (por hora, por pieza, etc.)
- Tamaño o peso de la unidad pagada por pieza, si se paga por pieza
- El número de unidades producidas, si se paga por pieza
- El número de unidades producidas diaria y semanalmente, si se paga por pieza
- Salario bruto
- Todas las deducciones
- Créditos reclamados (para comidas, alojamiento, pagos en especie)
- Salario neto

Para los empleados no agrícolas que están cubiertos por los requisitos de pago de horas extra de la Ley de Trabajo, la declaración de salarios (talón de pago) también debe mostrar:

- Horas regulares trabajadas
- Horas extra trabajadas
- La tarifa regular por hora
- La tarifa por hora extra

*El formulario de declaración de salarios (AL 446) está disponible en nuestro sitio web.*

## **VII. Trabajo infantil**

### **A. Menores que trabajan en explotaciones agrícolas**

Menores de 16 y 17 años

- Pueden ser empleados en cualquier explotación agrícola sin permiso de trabajo agrícola ni restricciones horarias, excepto durante el horario escolar.

Menores de 14 y 15 años

- Pueden ser empleados en la explotación agrícola de sus propios padres o tutores, sin permiso de trabajo agrícola y sin restricciones horarias, excepto durante el horario escolar.
- Pueden ser empleados en otra explotación agrícola si cuentan con un Permiso de Trabajo Agrícola emitido por la escuela y firmado por el empleador. No hay restricciones de horario, excepto durante el horario escolar.

Menores de 12 y 13 años

- Pueden ser empleados en la explotación agrícola de sus propios padres o tutores, sin permiso de trabajo agrícola y sin restricciones horarias, excepto durante el horario escolar.
- Pueden ser empleados en otra explotación agrícola si tienen un Permiso Especial de Trabajo Agrícola (AT-25) y:
  - Deben estar acompañados o presentar el consentimiento por escrito de uno de los padres o adultos con quienes residen
  - Solo pueden dedicarse a la cosecha manual de bayas, frutas y verduras

- No pueden trabajar más de 4 horas al día
- Sus horarios deben ser entre las 7 a. m. y las 7 p. m. desde el 21 de junio hasta el Día del Trabajo
- Sus horarios deben ser entre las 9 a. m. y las 4 p. m. desde el día después del Día del Trabajo hasta el próximo 20 de junio

#### Niños menores de 12 años

- No pueden ser empleados en relación con ningún oficio, negocio o servicio, incluido el negocio agrícola de sus propios padres o tutores.
- Pueden hacer tareas domésticas y de jardinería ordinarias que no estén relacionadas con el negocio.

#### Trabajo agrícola prohibido para menores de 16 años

- Una lista de trabajos agrícolas peligrosos que los menores de 16 años tienen prohibido realizar se encuentra al final de la Orden de Salario Mínimo de la Parte 190 para Trabajadores Agrícolas. Esta publicación está disponible en nuestro sitio web [www.dol.ny.gov](http://www.dol.ny.gov) o desde un número de teléfono que figura al final de esta publicación.

### **B. Menores que trabajen en plantas procesadoras de alimentos**

Las personas deben tener al menos 18 años de edad para trabajar en un establecimiento de sacrificio (matadero), de empaque de carne o de transformación de subproductos cárnicos.

Los menores deben tener al menos 16 años de edad para trabajar en una planta de procesamiento de alimentos que (a) esté fuera de la explotación agrícola o (b) en la explotación agrícola, pero donde maneje productos cultivados en otras explotaciones agrícolas.

Los menores deben tener al menos 14 años para trabajar en una planta de procesamiento de alimentos ubicada en la explotación agrícola, que procesa solo productos cultivados por el agricultor.

Puede emplear a un menor de 16 o 17 años en una planta de procesamiento de alimentos que (a) esté fuera de la explotación agrícola (b) en la explotación agrícola pero donde maneje productos cultivados en otras explotaciones agrícolas:

- Si el menor le ha entregado un certificado de empleo (documentos de trabajo) emitido por una escuela, antes de comenzar a trabajar
- Debe mantener el certificado de empleo en el lugar de trabajo mientras el menor esté empleado
- Debe emplear al menor solo dentro de las horas permitidas impresas en el reverso del certificado
- Debe devolver el certificado al menor cuando finalice el empleo

Puede emplear a un menor de 16 o 17 años en una planta de procesamiento de alimentos ubicada en la explotación agrícola, donde maneje solo productos cultivados por el agricultor, sin ningún certificado de empleo ni restricciones de horario, excepto durante el horario escolar.

Puede emplear a un menor de 14 o 15 años en una planta procesadora de alimentos ubicada en la explotación agrícola, donde maneje solo productos cultivados por el agricultor, si el/la menor le muestra y lleva, mientras trabaja, un Permiso de Trabajo Agrícola que usted debe firmar. No hay restricciones de horario, excepto durante el horario escolar.

A los menores de 18 años les está prohibido realizar ciertas tareas peligrosas. No pueden:

- Limpiar, engrasar o pasar un trapo a la maquinaria
- Operar máquinas motorizadas de procesamiento de carne
- Operar máquinas motorizadas de productos de panadería
- Operar empacadoras o compactadoras
- Operar o ayudar con un aparato de elevación motorizado

La anterior es solo una lista parcial de tareas prohibidas. Para obtener más detalles, busque "ocupaciones prohibidas" en nuestro sitio web en [www.dol.ny.gov](http://www.dol.ny.gov) o comuníquese al número que figura al final de esta publicación.

## **VIII. Sanciones civiles por infracciones a la Ley de Trabajo**

Si el Departamento de Trabajo determina que un empleador no ha pagado los salarios o beneficios que le corresponden a un empleado, el Departamento puede cobrarle al empleador:

- El monto total de los salarios o beneficios adeudados más:
  - Indemnización por daños y perjuicios de hasta el 100 % de los salarios o beneficios adeudados
  - una multa civil de hasta el 200 % de los salarios o beneficios adeudados
  - Intereses del 16 %

Por violaciones de las leyes laborales, como las leyes de registro de migrantes, la ley de economatos de campos de trabajo agrícola, las disposiciones de mantenimiento de registros, las disposiciones de declaración de salarios, la ley de deducciones ilegales, la ley del período de comidas y las leyes de trabajo infantil, el Departamento puede cobrar al empleador:

- Hasta \$1000 por la primera infracción
- Hasta \$2000 por la segunda infracción y
- Hasta \$3000 por la tercera infracción o sucesivas

## **IX. Agua potable para los trabajadores agrícolas**

Cada productor agrícola o procesador de alimentos debe proporcionar agua potable segura en cada sitio donde trabajen los trabajadores agrícolas o de procesamiento de alimentos. El agua potable:

- Debe ser proporcionada a expensas del empleador
- Puede estar en un recipiente portátil
- Debe ser razonablemente accesible para los trabajadores

## **X. Saneamiento en el campo para los trabajadores agrícolas**

Todo productor agrícola o procesador de alimentos debe proporcionar instalaciones sanitarias y para lavarse las manos a los trabajadores, incluido el transporte a dichas instalaciones. Las instalaciones sanitarias y de lavado de manos deben:

- Ser proporcionadas a cargo del empleador
- Estar situadas juntas

Si cinco o más personas trabajan en el mismo sitio, el inodoro y las instalaciones para lavarse las manos:

- Deben estar a un cuarto de milla a pie, o
- En el punto más cercano accesible por vehículo motorizado.

La violación de esto es un delito menor que se castiga con una multa de \$500 a \$1000 por la primera ofensa y de \$1000 a \$3000 por la segunda ofensa o las subsiguientes.

## **XI. Compensación para trabajadores, beneficios por incapacidad y seguro de licencia familiar remunerada**

### **A. Empleadores agrícolas**

#### **Seguro de compensación para trabajadores**

Un empleador agrícola debe tener cobertura de seguro de compensación para trabajadores para todos sus trabajadores agrícolas. Si un contratista de mano de obra agrícola solo recluta o suministra trabajadores agrícolas, estos trabajadores generalmente se consideran empleados del propietario o del arrendatario de la explotación agrícola.

Los costos de pérdidas de seguros por cada \$100 de la nómina para cada empleado para varios tipos de explotación agrícola se pueden encontrar en el sitio web de la Junta de Clasificación de Seguros de Compensación del Estado de Nueva York en [www.nycirb.org](http://www.nycirb.org):

- Desplácese hacia abajo hasta “**Online Tools**” (Herramientas en línea)
- Haga clic en “**View All Online Tools**” (Ver todas las herramientas en línea)
- Desplácese hacia abajo y haga clic en “**Classification Digest 2.0**” (Resumen de clasificación 2.0)
- Busque for “**Farm**” (Explotación agrícola)

Para más detalles, comuníquese con su agente de seguros o:

New York Compensation Insurance Rating Board  
875 Third Ave FL 8  
New York, NY 10022  
Teléfono (212) 697-3535

#### **Beneficios por incapacidad y licencia familiar remunerada**

Los empleadores agrícolas deben proporcionar beneficios por incapacidad y cobertura de licencia familiar remunerada a sus trabajadores agrícolas, así como a cualquier empleado que realice tareas no específicas de la explotación agrícola, como contabilidad, manejo de camiones o ventas minoristas.

### **B. Contratistas de mano de obra agrícola**

Los contratistas de mano de obra agrícola deben proporcionar compensación laboral, beneficios por incapacidad y cobertura de licencia familiar remunerada si contratan, transportan y supervisan a trabajadores agrícolas y a algunos de sus empleados (como camioneros y trabajadores de economatos). No necesitan proporcionar cobertura si solo están reclutando y suministrando trabajadores agrícolas; esta es responsabilidad del agricultor.

### **C. Operadores de economatos**

Los operadores de economatos deben proporcionar compensación laboral, beneficios por incapacidad y cobertura de licencia familiar remunerada a todos sus empleados. Los permisos de economato no son válidos a menos que el operador del economato proporcione dicha cobertura a todos sus empleados.

### **D. Todos los empleadores**

Si un empleador adquiere una cobertura de seguro de compensación para trabajadores, debe pagar el costo total. Es ilegal exigir a los empleados que paguen cualquiera de los costos de las primas de compensación para trabajadores o lesiones.

Para los beneficios por incapacidad, el empleador puede retener contribuciones de los empleados de hasta 60 centavos por semana. Para la licencia familiar remunerada, el empleador puede retener el costo total de la prima del seguro de los empleados, según la tasa de contribución anual establecida por el Departamento de Servicios Financieros.

Para obtener información adicional sobre compensación laboral, beneficios por incapacidad y licencia familiar remunerada, comuníquese con su agente de seguros. También hay más información disponible en línea en [www.wcb.ny.gov](http://www.wcb.ny.gov) y [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov).

## **XII. Seguro de desempleo**

Los empleadores de trabajadores agrícolas son responsables de las contribuciones al seguro de desempleo a partir del primer día del trimestre calendario en el que pagan una remuneración total de \$300 o más, o a partir de la fecha en que compran el negocio de otro empleador responsable o se convierten en sucesores de ese empleador.

Los pagos a personas que prestan servicios bajo una visa H-2A están excluidos de la cobertura y no se consideran como remuneración.

Un jefe de cuadrilla de trabajadores agrícolas también sería responsable si se cumple alguna de las condiciones anteriores y:

- El jefe no es empleado/a del operador de la explotación
- El jefe de cuadrilla posee un certificado de registro válido según la Ley de Registro de Contratistas de Mano de Obra Agrícola de 1963, o, sustancialmente, toda la cuadrilla opera o mantiene el equipo mecanizado que proporciona el líder de la cuadrilla

Los empleadores agrícolas que no cumplan con las condiciones de responsabilidad pueden optar por cubrir voluntariamente a sus empleados.

Los empleadores que no estén seguros de si están obligados a pagar contribuciones al seguro de desempleo, o que deseen cubrir a sus empleados voluntariamente, deben escribir a:

New York State Department of Labor  
Unemployment Insurance Division, Liability and Determination Section  
1220 Washington Avenue  
Albany, NY 12226

## **XIII. Información de contacto**

Visite el sitio web del Departamento de Trabajo del Estado de Nueva York en [www.dol.ny.gov](http://www.dol.ny.gov). Envíe un correo electrónico directamente al Departamento de Trabajo del Estado de Nueva York desde la página de inicio de nuestro sitio web.

Comuníquese con el Departamento de Trabajo del Estado de Nueva York llamando al: (518) 457-9000, (888) 469-7365 or (800) 662-1220 (TTY/TTD).

**Para obtener información o hacer preguntas directamente relacionadas con las solicitudes de permisos, llame al (518) 485-1929.**

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