

New York Employment Law Fact Sheet

This employment law fact sheet is intended to provide a brief overview of key provisions of significant New York employment laws. It is not an all-inclusive list of every law that could potentially apply to employment relationships in New York.

Wage and Hour

- **Wage Theft Notice** – Employers are required to provide newly hired employees with written notice of specific information regarding their employment (rate of pay, overtime rate, how the employee is paid—by the hour, day, shift, week, etc., regular payday, name of the employer, address and phone number of the employer, and allowances taken as part of the minimum wage). Each employee must acknowledge the notice. The New York Department of Labor publishes sample forms.
- **Meal and Rest Breaks** – Employees who work shifts of more than six hours that extend over the hours of 11 a.m. to 2 p.m. must be provided a 30-minute meal period between the hours of 11 a.m. and 2 p.m. An employee whose shift begins before 11 a.m. and extends past 7 p.m. must be provided an additional 20-minute meal period between the hours of 5 p.m. and 7 p.m. Employees who work shifts of more than six hours between the hours of 1 p.m. and 6 a.m. must be provided a 45-minute meal period midway through their shifts.
- **Day of Rest** – Employers in certain industries, including but not limited to employers operating a factory, mercantile establishment, hotel, restaurant, or freight or passenger elevator in any building or place, must allow employees at least 24 consecutive hours of rest each calendar week, subject to limited exceptions.
- **Reporting Pay** – An employee who reports for work on any day must be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage.

- **Wage Payment Frequency** – Employees who are classified as manual workers (i.e., those who spend more than 25% of their working time engaged in physical labor) must be paid weekly and not later than seven calendar days after the end of the week in which the wages are earned.

Discrimination and Harassment

- **Equal Employment Opportunity** – Among other protected categories, New York law prohibits employment discrimination on the basis of familial status, caregiver status, citizenship or immigration status, domestic violence victim status, unemployment status, natural hairstyle, and sexual and reproductive health decision-making.
- **Antiharassment and Nondiscrimination** – New York has very specific antiharassment written policy requirements, including but not limited to including information about the New York State Division of Human Rights workplace harassment hotline. Employers are required to provide training, which must meet minimum criteria, to employees annually.

Family and Medical Leave / Sick Leave

- **New York Paid Family Leave (PFL)** – Eligible employees may receive up to 12 weeks of partial pay in any 52-week period to care for a covered family member, bond with a new child, or participate in a qualifying exigency event. PFL is funded by employee payroll deductions in amounts determined by New York State.

- **Disability Leave** – Employees are entitled to up to 26 weeks of short-term disability insurance through the state of New York, which provides partial wage replacement benefits if they are unable to work due to a non-work-related injury or illness (including disability due to pregnancy).
- **New York Paid Sick Leave (PSL)** – Eligible employees are entitled to up to 40 hours per year or 56 hours per year (depending on the size of their employer) of paid sick leave during each designated benefit year due to (1) the illness, injury, or health condition of the employee or a covered family member, or for preventive care; (2) closure of the employee’s place of business or employee’s child school or place of care due to a public health emergency; or (3) certain absences related to domestic violence, a family offense matter, sexual offense, stalking, or human trafficking.¹
- **Whistleblower Protection** – Employers are prohibited from taking retaliatory action against an employee because the employee (1) 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; (2) 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 (3) objects to or refuses to participate in any such activity, policy, or practice. Employers must notify employees of their whistleblower protection rights.
- **Protection of Sexual and Reproductive Health Decision Making** – Employers are prohibited from (1) accessing information concerning an employee’s sexual or reproductive health decisions, or those of the employee’s dependent, without first obtaining the employee’s informed affirmative written consent; (2) discriminating or retaliating against any employee with respect to compensation or terms, conditions, or privileges of employment because of the employee’s sexual or reproductive health decisions, or those of the employee’s dependent; or (3) requiring an employee to sign any document or waiver that purports to deny that employee the right to make their own reproductive health decisions.
- **Miscellaneous Leaves** – Additional protected leaves in New York include, but are not limited to, domestic violence victims leave, family military leave, jury duty leave, voting leave, crime victim / witness leave, blood donation leave, bone marrow donation leave, emergency responder leave, etc.

Miscellaneous

- **Use of Lawful Products** – Employers cannot discriminate against individuals who use or do not use tobacco products outside of the workplace during non-work hours, provided that the employees comply with the employer’s smoking policy during the course of employment.
- **Electronic Monitoring** – Employers are required to provide notice to employees upon hire of any electronic monitoring (e.g., telephone, email, or internet use).

1. There is a similar local paid sick leave law in New York City. There is a standalone paid safe time law in Westchester County.

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