



MINIMUM WAGE

ATTENTION MISCELLANEOUS INDUSTRY EMPLOYEES

NEW YORK CITY

Minimum Wage hourly rates as of 1/1/2024

Large Employers
(11 or more employees)

MINIMUM WAGE
\$16.00

(\$15.00 per hour effective 12/31/2022)

Overtime after 40 hours \$22.50

TIPPED WORKERS

At least \$15.00

Overtime after 40 hours \$22.50

Small Employers
(10 or less employees)

MINIMUM WAGE
\$16.00

(\$15.00 per hour effective 12/31/2022)

Overtime after 40 hours \$22.50

TIPPED WORKERS

At least \$15.00

Overtime after 40 hours \$22.50

LONG ISLAND AND WESTCHESTER COUNTY

MINIMUM WAGE
\$16.00

(\$15.00 per hour effective 12/31/2022)

Overtime after 40 hours \$22.50

TIPPED WORKERS

At least \$15.00

Overtime after 40 hours \$22.50

REMAINDER OF NEW YORK STATE

MINIMUM WAGE
\$15.00

(\$14.20 per hour effective 12/31/2022)

Overtime after 40 hours \$21.30

TIPPED WORKERS

At least \$14.20

Overtime after 40 hours \$21.30

If you have any questions, need more information or want to file a complaint, please visit 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:

- **Tips** – Beginning December 31, 2020, your employer must pay the full applicable minimum wage rate, and cannot take any tip credit.
- **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 set forth in wage orders and summaries, which are available online.

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 amounts shown above) for weekly hours over 40 (or 44 for residential employees).
Exceptions: Overtime is not required for salaried professionals, or for executives and administrative staff whose weekly salary is more than 75 times the minimum wage rate.
- **Call-in Pay** – If you go to work as scheduled and your employer sends you home early, you may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of Hours** – If your workday lasts longer than ten hours, you may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform Maintenance** – If you clean your own uniform, you may be entitled to additional weekly pay. The weekly rates are available online.

POST IN PLAIN VIEW



PERMITTED WORKING HOURS FOR MINORS

PERMITTED WORKING HOURS FOR MINORS UNDER 18 YEARS OF AGE

New York State Department of Labor Worker Protection | Division of Labor Standards

The following chart is a summary of the permitted working hours provisions of the New York State Labor Law relating to minors less than 18 years of age:

AGE OF MINOR (GIRLS AND BOYS)	INDUSTRY OR OCCUPATION	MAXIMUM DAILY HOURS	MAXIMUM WEEKLY HOURS	MAXIMUM DAYS PER WEEK	PERMITTED HOURS
MINORS ATTENDING SCHOOL					
When School is in Session 14 and 15	All occupations except farm work, newspaper carrier and street trades.	3 hours on school days 8 hours on other days	18 ¹	6	7 AM to 7 PM
16 and 17	All occupations except farm work, newspaper carrier and street trades.		28 ²	6 ⁴	6 AM to 10 PM ³
When School is Not In Session (Vacation)					
14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours ⁴	48 ⁴	6 ⁴	6 AM to Midnight ⁴
MINORS NOT ATTENDING SCHOOL 16 and 17					
	All occupations except farm work, newspaper carrier and street trades.	8 hours ⁴	48 ⁴	6 ⁴	6 AM to Midnight ⁴
FARM WORK					
12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours	-----	-----	7 AM to 7 PM June 21 to Labor Day
14 and older	Any farm work	-----	-----	-----	9 AM to 4 PM Day after Labor Day to June 20
NEWSPAPER CARRIERS 11 to 18					
	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days 5 hours on other days	-----	-----	5 AM to 7 PM or 30 minutes prior to Sunset, whichever is later
STREET TRADES 14 to 18					
	Self-employed work in public places selling newspapers or work as a bootblack.	4 hours on school days 5 hours on other days	-----	-----	6 AM to 7 PM

¹Students 14 and 15 enrolled in an approved work/study program may work 3 hours on a school day, 23 hours in any one-week when school is in session.

²Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday when school is in session, as long as the hours are in conjunction with the Program.

³6 AM to 10 PM or until midnight with written parental and educational authorities consent on day preceding a school day and until midnight on day preceding a non-school day with written parental consent.

⁴This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

A SCHEDULE OF HOURS OF WORK FOR MINORS UNDER 18 YEARS OF AGE MUST BE POSTED IN THE ESTABLISHMENT BY THE EMPLOYER.

ADDITIONAL CHILD LABOR LAW INFORMATION

- An Employment Certificate (Working Paper) is required for all minors under 18 years of age who are employed.
- There are numerous prohibited occupations for minors in New York State. Contact any of the offices listed below for further information.
- Section 14 A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.
- Civil penalties for violations of Child Labor Laws are:
 First Violation – maximum \$1,000*
 Second Violation – maximum \$2,000*
 Third or Subsequent Violation – maximum \$3,000*
 *If a minor is seriously injured or dies while illegally employed, the penalty is triple the maximum penalty allowable under the law for such violation.

Inquiries concerning these laws and other provisions of the New York State Labor Law may be addressed to the Department of Labor, at one of the offices of the Division of Labor Standards listed below.

Albany District
State Office Campus
Bldg. 12, Room 185A
Albany, NY 12240
(518) 457-2730

Buffalo District
290 Main Street
Room 226
Buffalo, NY 14202
(716) 847-7141

Garden City District
400 Oak Street
Suite 101
Garden City, NY 11530
(516) 794-8195

New York City District
75 Varick Street
7th Floor
New York, NY 10013
(212) 775-3880

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

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

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

DOL Website Homepage: <http://www.labor.ny.gov>



JOB SAFETY AND HEALTH PROTECTION

NEW YORK STATE DEPARTMENT OF LABOR

Labor Law Information Relating to Public Employees

The New York State Public Employee Safety and Health Act of 1980 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following

EMPLOYERS: The Act requires that employers furnish employees a workplace free from recognized hazards and in compliance with the safety and health standards applicable to the employer's workplaces and other regulations issued by the Commissioner of Labor under the Act.

EMPLOYEES: The Act requires that employees comply with all safety and health standards and other regulations issued under the Act that apply to their actions and conduct on the job.

ENFORCEMENT: The New York State Department of Labor's Division of Safety and Health (DOSH) is responsible for administering and enforcing the Act. The Commissioner issues safety and health standards, and Safety and Health Inspectors and Hygienists conduct on-site inspections to ensure compliance with the Act.

INSPECTION: The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the DOSH Inspector or Hygienist for the purpose of aiding the inspection.

TO COMPLY ORDER: If the DOSH Inspector or Hygienist believes an employer has violated the Act, an order to comply will be issued to the employer. Each order will specify a time period within which the violation must be corrected. If the violation remains uncorrected, the employer may be subject to monetary penalties.

The DOSH order to comply must be prominently displayed at or near the place of violation to warn employees of dangers that may exist.

COMPLAINT: Employees or their representatives have the right to file a complaint, in writing, with the nearest DOSH office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. DOSH will withhold, on request, names of employees complaining.

Any interested person or representative of such person or groups of persons may bring to the attention of the State Department of Labor a complaint regarding the administration or enforcement of the Public Employees Safety and Health Program. The State Department of Labor will investigate each complaint and will notify the complainant in writing of the results of such investigation as well as further channels for complaint. Such complaints may also be made to the United States Department of Labor, Occupational Safety and Health Administration, 201 Varick Street, New York, New York 10014.

DISCRIMINATION: The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

Employees who believe that they have been discriminated against may file a complaint with the nearest DOSH office within 30 days of the alleged discrimination.

VOLUNTARY ACTIVITY: The Department of Labor encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury or illness to employees and supervisors. On a voluntary basis, employers may request that the DOSH office furnish consultant services to assist the employer in meeting job-site compliance with safety and health standards.

Additional information may be obtained from the nearest DOSH District Office listed below:

State Office Campus, Rm 158
Albany, NY 12240
Tel: (518) 457-5508

450 South Salina Street
Syracuse, NY 13202
Tel: (315) 479-3212

75 Varick Street (7th Floor)
New York, NY 10013
Tel: (212) 775-3548

65 Court Street
Buffalo, NY 14202
Tel: (716) 847-7133

120 Bloomingdale Road
White Plains, NY 10605
Tel: (914) 997-9514

400 Oak Street, Suite 101
Garden City, NY 11530
Tel: (516) 228-3970

44 Hawley St.
Binghamton, NY 13901
Tel: (607) 721-8211

207 Genesee Street
Utica, NY 13501
Tel: (315) 793-2258

109 S. Union Street
Rochester, NY 14607
Tel: (585) 258-4570

Post Conspicuously



2024 POSTING REQUIREMENTS

NEW YORK

2024



LABOR LAW POSTER SERVICE | TO RE-ORDER CALL TOLL FREE (877) 321-4144
ADDITIONAL POSTERS AVAILABLE FOR YOUR BUSINESS! CALL (877) 321-4144 OR SCAN QR CODE TO VIEW MORE.

RIGHT TO KNOW

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:

Robert Malone

Name

Oswego Town Highway Dept. - 315-343-0937

Location & Phone Number

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



2024 POSTING REQUIREMENTS

NEW YORK

2024



LABOR LAW POSTER SERVICE | TO RE-ORDER CALL TOLL FREE (877) 321-4144
ADDITIONAL POSTERS AVAILABLE FOR YOUR BUSINESS! CALL (877) 321-4144 OR SCAN QR CODE TO VIEW MORE.

TIME OFF TO VOTE

NEW YORK STATE LAW (NYSEL 3-110) STATES:

1. If a registered voter does not have sufficient time outside of his or her scheduled working hours, within which to vote on any day at which he or she may vote, at any election, he or she may, without loss of pay for up to two hours, take off so much working time as will, when added to his or her voting time outside his or her working hours, enable him or her to vote.
2. If an employee has four consecutive hours either between the opening of the polls and the beginning of his or her working shift, or between the end of his or her working shift and the closing of the polls, he or she shall be deemed to have sufficient time outside his or her working hours within which to vote. If he or she has less than four consecutive hours he or she may take off so much working time as will, when added to his or her voting time outside his or her working hours enable him or her to vote, but not more than two hours of which shall be without loss of pay, provided that he or she shall be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.
3. If the employee requires working time off to vote the employee shall notify his or her employer not more than ten nor less than two working days before the day of the election that he or she requires time off to vote in accordance with the provisions of this section.
4. Not less than ten working days before every election, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this section. Such notice shall be kept posted until the close of the polls on election day.



2024 POSTING REQUIREMENTS

NEW YORK

2024

LABOR LAW POSTER SERVICE | TO RE-ORDER CALL TOLL FREE (877) 321-4144
ADDITIONAL POSTERS AVAILABLE FOR YOUR BUSINESS! CALL (877) 321-4144 OR SCAN QR CODE TO VIEW MORE.



DISCRIMINATION

NEW YORK STATE DIVISION OF HUMAN RIGHTS

WWW.DHR.NY.GOV

DISCRIMINATION REALLY HURTS.

IF YOU SEE IT OR EXPERIENCE IT, CALL US. WE'RE HERE.
(718) 741-8400 | (888) 392-3644 | TTD (718) 741-8300

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

DISCRIMINATION BASED ON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, DISABILITY, DOMESTIC VIOLENCE VICTIM STATUS OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW IN:

EMPLOYMENT, BY EMPLOYERS OF FOUR OR MORE PEOPLE, EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS

Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; prior arrest or conviction record; predisposing genetic characteristics.

Reasonable accommodations for persons with disabilities 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.

RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE

Exceptions:

- (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

Also prohibited: discrimination in housing on the basis of familial status (e.g. families with children)
Reasonable accommodations and modifications for persons with disabilities may also be required.

ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE

Also prohibited: commercial boycotts and blockbusting.

PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT SUCH AS RESTAURANTS, HOTELS, HOSPITALS, CLUBS AND MEDICAL OFFICES

Exception:

Age is not a covered classification relative to public accommodations. Reasonable accommodations for persons with disabilities may also be required. (Effective January 1st, 2008.)

ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS

EDUCATIONAL INSTITUTIONS: NON-SECTARIAN, TAX EXEMPT, PUBLIC AND PRIVATE

ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR PURCHASE, MAINTENANCE AND REPAIR OF HOUSING

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



WHISTLEBLOWERS' LAW

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 popularly-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.

(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 personnel action against an employee 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 violation of a law, rule or regulation by such employer; or
- (c) objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation.

3. Application. The protection against retaliatory personnel 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 personnel 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.

* NB Effective until January 26, 2022



2024 POSTING REQUIREMENTS

NEW YORK

2024

LABOR LAW POSTER SERVICE | TO RE-ORDER CALL TOLL FREE (877) 321-4144
ADDITIONAL POSTERS AVAILABLE FOR YOUR BUSINESS! CALL (877) 321-4144 OR SCAN QR CODE TO VIEW MORE.



CLEAN INDOOR AIR ACT

Effective July 24, 2003, the amended New York State Clean Indoor Air Act (Public Health Law, Article 13-E) prohibits smoking in virtually all workplaces, including restaurants and bars. The changes in the Act reflect the state's commitment to ensuring that all workers are protected from secondhand smoke. Localities may continue to adopt and enforce local laws regulating smoking. However, these regulations must be at least as strict as the Clean Indoor Air Act.

WHAT IS SECONDHAND SMOKE?

Also called environmental tobacco smoke (ETS) secondhand smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe or cigar, and the smoke exhaled from the lungs of smokers. The U.S. Environmental Protection Agency (EPA) reports that secondhand smoke contains more than 4,000 substances, 43 of which are known to cause cancer in humans or animals and many of which are strong irritants.

The EPA estimates that secondhand smoke causes up to 62,000 deaths each year among nonsmokers in the United States, including 3,000 deaths due to lung cancer alone. An estimated 300,000 children nationwide develop lower respiratory infections each year as a result of exposure to secondhand smoke, with approximately 15,000 of these children hospitalized due to their infections. And, exposure to secondhand smoke is a primary cause of asthma.

WHERE IS SMOKING PROHIBITED?

The Act states that smoking shall not be permitted and that no person shall smoke in the following indoor areas:

- Places of employment;
- Bars;
- Restaurants;
- Enclosed indoor swimming areas;
- Public transportation, including all ticketing, boarding and waiting areas; buses, vans, taxicabs and limousines;
- All places of employment where services are offered to children;
- All schools, including school grounds;
- All public and private colleges, universities and other educational and vocational institutions;
- General hospitals;
- Residential health-care facilities, except separately designated smoking rooms for adult patients;
- Commercial establishments used for the purpose of carrying on or exercising any trade, profession, vocation or charitable activity;
- All indoor arenas;
- Zoos; and
- Bingo facilities.

WHERE IS SMOKING PERMITTED?

Smoking is permitted in the following areas or businesses:

- Private homes and private residences when not used for day care; private automobiles;
- Hotel or motel rooms rented to one or more guests;
- Retail tobacco businesses (primary activity is the retail sale of tobacco products and accessories, and the sale of other products is merely incidental);
- Membership associations where all duties related to the operation of the association are performed by volunteers who are not compensated in any manner;
- Cigar bars in existence prior to January 1, 2003 (where 10% or more of total annual gross income is from the sale of tobacco products); and
- Up to 25% of seating in outdoor areas of restaurants with no roof or ceiling enclosure may be designated smoking areas.

ARE THERE ANY SPECIAL CIRCUMSTANCES WHERE SMOKING IS PERMITTED?

Yes. Smoking is allowed in restaurants, bars, hotel and motel conference rooms, catering halls, convention halls and other similar establishments ONLY when the enclosed areas are being used for the sole purpose of inviting the public to sample tobacco products and serving food and drink is incidental to such purpose. A business establishment may schedule no more than two days in a calendar year for these events.

IF MY BUSINESS IS NOT LISTED IN THE ABOVE LISTS, DOES THE ACT APPLY?

If your type of business is not specifically listed in the above lists, and you have employees, then you cannot allow smoking in your place of business.

HOW DOES THIS ACT AFFECT PRIVATE OFFICES?

Employees with private offices cannot smoke in their office, or anywhere in the building.

AM I REQUIRED TO PROVIDE A SMOKING BREAK ROOM FOR MY EMPLOYEES?

No. In fact, the Act prohibits employers from providing a smoking break room for employees. Businesses with separately ventilated rooms for their smoking employees cannot allow smoking in these rooms or anywhere else in the building.

HOW WILL THE ACT BE ENFORCED?

The owner, manager or operator of an area open to the public, food service establishment, or bar, that is covered by this Act must make a reasonable effort to prevent smoking.

HOW CAN I FILE A COMPLAINT?

Employees and the public may report, confidentially, violations of the Act to their local health departments, county board of health or their district health office for action. You can find the telephone number in the government section of your telephone book, or at www.health.state.ny.us.

SHOULD SIGNS BE POSTED?

Yes. "No Smoking" or "Smoking" signs or a sign with the international "no smoking" symbol on it must be prominently posted and properly maintained where smoking is prohibited or permitted.

WHAT ARE THE PENALTIES?

The enforcement officer for a city or county health department can assess a penalty of up to \$1,000 for each violation. In areas where the State Health Department is the enforcement officer, a fine of up to \$2,000 may be assessed.

HOW CAN I FIND MORE INFORMATION?

For more information about the Act, call 1-800-458-1158, ext. 2-7600.

WHERE CAN I GET INFORMATION ON QUITTING?

If you smoke and want to quit, call the New York State Smokers' Quit Line at 1-866-NY-QUITS (1-866-697-8487), for free information, or visit www.nysmokefree.com.

New York State's
CLEAN INDOOR AIR ACT
State of New York Department of Health



2024 POSTING REQUIREMENTS

NEW YORK

2024

LABOR LAW POSTER SERVICE | TO RE-ORDER CALL TOLL FREE (877) 321-4144
ADDITIONAL POSTERS AVAILABLE FOR YOUR BUSINESS! CALL (877) 321-4144 OR SCAN QR CODE TO VIEW MORE.



NO SMOKING

NO SMOKING

New York State's
CLEAN INDOOR AIR ACT



Effective July 24, 2003, the amended New York State Clean Indoor Air Act (Public Health Law, Article 13-E) prohibits smoking in virtually all workplaces, including restaurants and bars. The changes in the Act reflect the state's commitment to ensuring that all workers are protected from secondhand smoke. Localities may continue to adopt and enforce local laws regulating smoking. However, these regulations must be at least as strict as the Clean Indoor Air Act.



NEW YORK CORRECTION LAW

(ARTICLE 23-A)

LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY

CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. (1)

753. Factors to be considered concerning a previous criminal conviction; presumption. (2)

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.