

Workers' Bill of Rights



Bill de Blasio
Mayor

**Consumer
Affairs**

Lorelei Salas
Commissioner

Workers in NYC have rights regardless of immigration status.

The Department of
Consumer Affairs (DCA)
Office of Labor Policy &
Standards is NYC's central
resource for workers.

To contact DCA:

- Call 311 (212-NEW-YORK outside NYC)
- Email OLPS@dca.nyc.gov
- Visit nyc.gov/dca

Table of Contents

Your Rights

Paid Safe and Sick Leave	2
Right to Organize	3
Minimum Wage	4
Overtime	5
Discrimination-free Workplace	6
Pay for Work Done as an Independent Contractor	7
Safe and Healthy Workplace	8

Industry and Worker-Specific Protections

Apparel Industry	9
Building Service Workers	9
Construction Workers	10
Domestic Workers	10
Fast Food Workers	11
Government Contract Work	11
Grocery Workers	12
Minors	12
Nail Salon Workers	12
Tipped Workers	13



Paid Safe and Sick Leave

If you work in NYC for more than 80 hours a year, you can earn up to 40 hours of safe and sick leave each year to use for yourself or to help anyone you consider family.

Use sick leave for care and treatment.

Use safe leave to seek help or take other safety measures for any act or threat of domestic violence, unwanted sexual contact, stalking, or human trafficking.

If your employer has five or more employees, you have a right to *paid* safe and sick leave.

If your employer has fewer than five employees, you have a right to *unpaid* safe and sick leave.

If you are a domestic worker, refer to page 10.

It is illegal for an employer to retaliate against you for requesting or using safe and sick leave.

For information or to file a complaint with DCA:

- Call **311** (212-NEW-YORK outside NYC)
- Visit **nyc.gov/PaidSickLeave**
- Email **PSSL@dca.nyc.gov**

Under federal law, you may also have the right to take additional unpaid time off from work: Some workers who work for employers with more than 50 employees may take up to 12 weeks of unpaid leave each year to care for themselves or a family member or to bond with a new child. The leave may be taken all at once or from time to time.

As of January 2018, most workers in New York are eligible to take paid family leave to bond with a new child, care for a close relative with a serious health condition, or address certain military family needs. The amount of leave and pay will phase in over four years, starting at eight weeks paid at 50% of the worker's salary in 2018.

For information or to file a complaint, contact:

U.S. Department of Labor

866-487-9243 | dol.gov/whd

U.S. Department of Labor Division Office in NYC

212-264-8185

New York State Paid Family Leave

844-337-6303 | ny.gov, Search "Paid Family Leave"

Right to Organize

You can join together with your coworkers in a range of activities about work issues that matter to you, including whether you want to be represented by a union. Employers cannot threaten, discriminate against, or otherwise take action against you for organizing or talking with your coworkers about working conditions.



For information or to file a complaint, contact:

National Labor Relations Board

866-667-NLRB | 866-667-6572 | NLRB.gov

Continued on next page >

New York Regional Office (Manhattan/Bronx)

26 Federal Plaza, Room 3614

New York, NY 10278

212-264-0300

Brooklyn Regional Office (Brooklyn/Queens/Staten Island)

2 MetroTech Center

100 Myrtle Avenue, 5th Floor

Brooklyn, NY 11201

718-330-7713

Minimum Wage



You must be paid for every hour you work, including work before and/or after your scheduled shift and time spent traveling during the workday.

As of December 31, 2017, these minimum wages apply:

Minimum Wages in New York City – Rate Schedule	12/31/17	12/31/18	12/31/19
Fast Food Employers			
Any number of workers	\$13.50	\$15.00	
All Other Employers			
10 or fewer workers	\$12.00	\$13.50	\$15.00
11 or more workers	\$13.00	\$15.00	

There are special rates for tipped workers.

For information or to file a complaint, contact:

New York State Department of Labor

888-469-7365 | labor.ny.gov

New York State Department of Labor

– NYC District Office

212-775-3880

U.S. Department of Labor

– Division Office in NYC

212-264-8185



Overtime

If you work more than 40 hours in a week, your employer must pay at least 1.5 times your regular rate of pay for hours worked over 40.

For information or to file a complaint, contact:

New York State Department of Labor

888-469-7365 | labor.ny.gov

New York State Department of Labor

– NYC District Office

212-775-3880

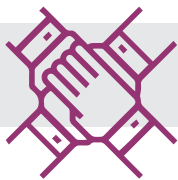
U.S. Department of Labor

866-487-9243 | dol.gov/whd

U.S. Department of Labor

– Division Office in NYC

212-264-8185



Discrimination-free Workplace

City, state, and federal law prohibit discrimination on the basis of a worker's:

- Age
- Alienage or Citizenship Status
- Color
- Disability or Perceived Disability
- Sex, Gender, or Gender Identity (includes Sexual Harassment)
- Marital or Partnership Status
- National Origin
- Pregnancy
- Race
- Religion/Creed
- Sexual Orientation
- Arrest or Conviction Record
- Caregiver Status
- Consumer Credit History
- Unemployment Status
- Status as a Victim of Domestic Violence, Stalking, and Sex Offenses
- Retaliation for Opposing Discriminatory Practices
- Genetics
- Familial Status
- Military Status

The law prohibits discrimination in any decisions that affect the terms and conditions of employment.

For information or to file a complaint, contact:

NYC Commission on Human Rights

Call 311 or 718-722-3131 | nyc.gov/humanrights

U.S. Equal Employment Opportunity Commission

800-669-4000 | eeoc.gov

New York State Division of Human Rights

888-392-3644 | dhr.ny.gov

Pay for Work Done as an Independent Contractor



If you are a freelance worker in NYC, you have legal rights that include:

- **Written Contract**

All contracts worth \$800 or more must be in writing. This includes all agreements between you and the hiring party that total \$800 in any 120-day period. The written contract must spell out the work you will perform; the pay for the work; and the date you get paid. You and the hiring party must keep a copy of the written contract.

- **Timely Payment**

The hiring party must pay you for all completed work. You must receive payment on or before the date that is in the contract. If the contract does not include a payment date, the hiring party must pay you within 30 days after you complete the work.

- **Right to Sue**

You can sue the hiring party in court to seek damages. If you are not timely paid for your work, you have a right to collect double the amount you weren't paid, damages for retaliation, and payment of attorneys' fees and costs.

For information or to file a complaint with DCA:

- Call **311** (212-NEW-YORK outside NYC)
- Email **Freelancer@dca.nyc.gov**
- Visit **nyc.gov/dca**

Safe and Healthy Workplace



Your workplace must be free of known health and safety hazards. You also have the right to receive information and training about job hazards.

For information or to file a complaint, contact:

Occupational Safety and Health Administration (OSHA)

800-321-OSHA | 800-321-6742 | [OSHA.gov](https://www.osha.gov)

Manhattan Area Office

201 Varick Street, Room 908
New York, NY 10014
212-620-3200

Queens District Office of the Manhattan Area Office

45-17 Marathon Parkway
Little Neck, NY 11362
718-279-9060

You may also be eligible for compensation to cover some portion of your wages and medical treatment if you suffer an on-the-job-injury, no matter who is to blame.

For information or to file a claim for workers' compensation, contact:

New York State Workers' Compensation Board

877-632-4996 | [wcb.ny.gov](https://www.wcb.ny.gov)

Brooklyn District Office (Brooklyn, Staten Island)

111 Livingston Street, 22nd Floor
Brooklyn, NY 11201

Manhattan District Office (Bronx, Manhattan)

215 West 125th Street
New York, NY 10027

Queens District Office
168-46 91st Street, 3rd Floor
Jamaica, NY 11432

Apparel Industry

Apparel workers must be paid at least the state hourly minimum wage and overtime, even if they are performing piecework. Employers must register with the New York State Department of Labor to operate in New York.

For more information, visit:

- **labor.ny.gov** and search “Apparel Industry Task Force” (New York State)
- **dol.gov** and search “Wage and Hour Division” (United States)

Building Service Workers

Depending on the type of building you work in, you may be covered by a law that requires your employer to pay a wage rate higher than the minimum wage.

For more information, visit **labor.ny.gov** and search “building service industry.”

NYC’s Displaced Building Service Workers Act requires certain new building owners, managers, contractors, and commercial lessees to retain pre-existing building service employees for a 90-day transition period. At the end of the transition period, you must be offered continued employment if the new employer considers your performance to be satisfactory.

Continued on next page >

Contact DCA's Office of Labor Policy & Standards for information:

- Email **OLPS@dca.nyc.gov**
- Visit **nyc.gov/dca**

Construction Workers

If you are a construction worker in New York State, you are generally considered to be an employee protected by workplace laws. You can seek legal advice if you are a construction worker being treated as an independent contractor.

For more information, visit **labor.ny.gov** and search "construction workers."

Domestic Workers

If you are a paid care worker, such as a nanny, house cleaner, or home health aide, the New York Domestic Workers' Bill of Rights provides you with the right to overtime pay, a weekly day of rest, three paid days of rest each year, and protections from sexual and racial harassment. The City's Paid Safe and Sick Leave Law provides you with leave for sick and safe leave purposes each year on top of the three annual paid days of rest.

Contact the Paid Care Division within DCA's Office of Labor Policy & Standards for information about rights and resources:

- Call **311** (212-NEW-YORK outside NYC)
- Email **PaidCare@dca.nyc.gov**
- Visit **nyc.gov/dca**

For more information, visit **labor.ny.gov** and search "domestic worker."

Fast Food Workers

Below are minimum wage rates in 2017 and 2018.

Rate Schedule	12/31/17	12/31/18
	\$13.50	\$15.00

For more information, visit **labor.ny.gov** and search “fast food workers.”

Government Contract Work

Certain businesses that contract with government agencies to complete public works projects or perform certain services may be required to pay employees either a “prevailing wage rate” or “living wage rate,” which are higher than the minimum wage and provide benefits or an additional wage supplement.

For more information, visit:

- **comptroller.nyc.gov** and search “Prevailing Wage” (New York City)
- **labor.ny.gov** and search “The Bureau of Public Work” (New York State)
- **health.ny.gov** and search “Medicaid Home Care Workers” (New York State)
- **dol.gov** and search “Government Contracts” (United States)

Grocery Workers

If you work at a grocery store that is sold, the former owner must notify you about the change in ownership and your employment rights. Following the sale, the new owner is required to keep all of the existing staff employed at the store for at least 90 days after the date of sale. After 90 days, the new owner can decide whether or not to keep any of the existing workers as employees.

For information or to file a complaint with DCA:

- Call **311** (212-NEW-YORK outside NYC)
- Email grocerylaw@dca.nyc.gov
- Visit nyc.gov/dca

Minors

There are limits on the type and hours of work that children under the age of 18 can perform.

For more information, visit labor.ny.gov and search “Laws Governing the Employment of Minors” (New York State).

Nail Salon Workers

The Bill of Rights for Nail Workers requires nail salons to meet certain safety requirements and pay proper wages.

For more information or to file a complaint:

- Visit labor.ny.gov and search “nail workers.”
- Call the **Task Force Hotline** at 888-469-7365.
- Visit labor.ny.gov (to report abuse in the nail salon industry).

Tipped Workers

There are special wage rates and rules for workers who receive tips. In order to qualify to use these rates, an employer must give workers advance notice that they are claiming the tip credit, and they cannot take any part of your tips.

For more information or to file a complaint, contact:

New York State Department of Labor

888-469-7365 | labor.ny.gov

New York State Department of Labor

– NYC District Office

212-775-3880

U.S. Department of Labor

866-487-9243 | dol.gov/whd

U.S. Department of Labor

– Division Office in NYC

212-264-8185

Notes

Notes

Notes

DCA's Office of Labor Policy & Standards (OLPS) is a dedicated voice in City government for workers. Charged with helping vulnerable workers, OLPS embraces our mandate to focus on issues affecting immigrants, people of color, and women in the workplace.

OLPS:

- **Enforces** key municipal workplace laws.
- **Conducts** original research, outreach, and education.
- **Develops** policies that are responsive to New York City's evolving economy and workforce.



Bill de Blasio
Mayor

Consumer Affairs

Lorelei Salas
Commissioner

The NYC Department of Consumer Affairs (DCA) protects and enhances the daily economic lives of New Yorkers to create thriving communities. Through the work of our Office of Labor Policy & Standards, DCA empowers working families by providing the tools and resources they need to achieve financial health and work-life balance.