

**Attorney General of
the State of New York
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Labor Rights

Minimum Wage: As of July 24, 2009, the New York State minimum wage which covers most employees working in the State of New York is \$7.25/hour.

Prior to July 24, 2009, the New York State minimum wage was \$7.15/hour.

Promised Wage: If your employer promises you a wage or benefit, the employer must provide you with that wage or benefit unless there is a new agreement.

Overtime: After working forty hours in a week, most employees are entitled to receive overtime at a rate of 1½ times their regular hourly rate. For example, if your regular rate is \$8/hour, you must be paid \$12 for each overtime hour.

Example: If your regular rate is \$8/hour, the overtime rate is \$12/hour (\$8 x 1½). For a 60-hour workweek, you should be paid:

40 hours x \$8 =	\$320
<u>20 hours overtime x \$12 =</u>	<u>\$240</u>
Total wages owed for the week =	\$560

Rest: Most workers have the right to one day off per week. Depending on your hours, you may be entitled to certain meal breaks as well.

Timely Payment: Workers must be paid promptly. In most cases, this means you must be paid every one or two weeks.

Deductions: Employers may only make certain limited deductions, including:

- Legally-required deductions, such as taxes, wage garnishments, or court-ordered payments like child support; and
- Deductions for the employee's benefit, such as insurance premiums, but only with the employee's written permission.

Employers may not make deductions from employees' pay for cash shortages, stolen or damaged property, or for deficient work. Also, employers may not require employees to pay the cost of buying or cleaning uniforms required on the job.

Tipped Employees: When paying employees who regularly receive tips from customers, employers are allowed to deduct a limited amount of money- called a "tip credit" - from the minimum wage that would otherwise be required. Thus, employers may pay a reduced minimum wage to tipped employees.

Example: A restaurant employer may deduct a tip credit of \$2.35/hour from the \$7.25/hour minimum wage to a delivery worker, and therefore must pay a reduced minimum wage of no less than \$4.90/hour.

These tip credits vary from industry to industry. As of 7/24/2009, tipped restaurant food servers must be paid a reduced minimum wage of no less than \$4.65/hour; most other restaurant workers, such as tipped delivery workers, must receive no less than \$4.90/hour; most hotel workers must receive no less than \$4.90/hour; and most workers in all other industries must receive no less than \$5.40/hour.

Employers cannot require employees to work only for tips. Employers must directly pay wages to employees no matter how much money employees receive in tips from customers. An employer may not demand or accept any portion of an employee's tips. Even if an employer takes a tip credit, every employee's hourly rate *including tips* must be at least equal to the minimum wage of \$7.25 per hour during each work week.

Meals and Lodging: Employers may deduct a limited amount from the minimum wage, as set by state law, for any meals provided (e.g., usually limited to \$2.10 to \$2.50 per meal for restaurant workers). Employers may also deduct a limited amount from the minimum wage, as set by state law, if they provide lodging to their employees.

Prohibition against Retaliation:

It is against the law to discharge, penalize, or in any other manner discriminate against an employee for making a wage-related complaint to the employer, the Department of Labor, the Attorney General's Office, or other appropriate government agencies.

If you have questions about your wage and hour rights, please call the Labor Bureau of the New York State Attorney General's Office at (212) 416-8700 or you can contact us on our website at www.ag.ny.gov.