

## WORKERS' RIGHTS IN NEW YORK CITY

### Minimum Wage

Employees working in New York City must be paid at least a certain amount per hour depending on the type of work they do. These are the general rules, but there are some exceptions and workers are encouraged to consult a lawyer if they think they may not be receiving the minimum wage.

Type of Job	2024 Minimum Wage - NYC	2025 Minimum Wage - NYC
<b>General Minimum Wage.</b> Applies to workers not covered by a more specific rule.	\$16 per hour	\$16.50 per hour
<b>Fast Food Workers.</b> Applies to workers at chain fast food restaurants (e.g., McDonald's, Taco Bell, Dunkin, etc...)	\$16 per hour	\$16.50 per hour
<b>Tipped Workers.</b> This applies only to workers in restaurants and hotels who earn tips, such as servers, bussers, bartenders, etc... NOTE: Tipped workers must receive enough tips so that their wages plus tips are at least \$16 per hour in total each week.	Food Service Workers (e.g., servers, bussers) - \$10.65/hr.  Other Service Workers (e.g., delivery persons) - \$13.35/hr.	To Be Determined
<b>Home Care Aides.</b> Applies to most home care workers whose primary responsibility includes the provision of in-home assistance with activities of daily living, instrumental activities of daily living or health-related tasks.	\$18.55 per hour	\$19.10 per hour

### Overtime

- Most workers (except highly paid workers, professionals and certain other workers) must be paid 1.5 times their normal hourly rate for all hours worked each week above 40 hours.
- An employer who pays a daily, weekly or monthly salary to an employee is still obligated to pay the higher overtime rate for hours above 40 per week.
- Employers are not required by law to pay overtime for working more than 8 hours per day, for working on a weekend, or for working on a holiday.
- Employees who earn at or below the minimum wage are entitled to be paid an extra hour of pay at the minimum wage if (a) they work a daily shift that is more than 10 hours long – this is called “Spread of Hours” pay; or (b) they work a shift with a required break of more than one hour in the middle of their shift – this is called “split shift” pay. Split shift pay is not required for restaurant and hotel workers.

### Payment for All Hours Worked

Employers are required to pay employees for all hours worked and cannot make deductions from pay because they aren't happy with an employee's performance, or to punish an employee. Most employees must be paid their wages on a weekly basis within one week of the end of each workweek. Some employers pay each day, but that is not legally required.

### Workplace Injuries

If an employee gets injured at work, they may be entitled to “Workers' Compensation” benefits. Those benefits can include free medical care to treat the workplace injury, and money if the employee becomes disabled from working. There are short deadlines that employees must meet, so if you are injured contact a law firm specializing in workers' compensation law immediately.

## Discrimination

It is illegal in New York City for an employer to discriminate against an employee because of that employee's religion, national origin, race, color, gender, sexual orientation, age, disability or perceived disability. It is illegal for an employer to refuse to hire someone, pay them less, fire them, harass them, or treat them worse in other ways, if the reason is because of one of these protected characteristics.

## Sexual Harassment

Employees are supposed to be able to do their jobs without being sexually harassed in the workplace by either a supervisor or a co-workers. Illegal sexual harassment can include demands to engage in sexual conduct or harassing statements from a co-worker of a sexual nature (e.g., inappropriate comments relating to sex).

## Sick Leave

Employees in New York City (other than government employees) have the right to take up to 40 hours of sick leave per year for the purpose of either (a) the care or treatment of their own health problem or that of a family member; or (b) their safety, including to seek assistance or take other safety measures if the employee or a family member may be the victim of any act or threat of domestic violence, unwanted sexual contact, stalking, or human trafficking.

Employees who work for larger employers (5 or more employees) are entitled to be paid for up to 40 hours of sick leave per year. Domestic workers are also entitled to be paid for up to 40 hours of sick leave per year. And employees who work for very large employers (100 or more employees) are entitled to be paid for up to 56 hours of sick leave per year. Employees accrue their sick leave hours based on the amount of time they have worked for their employer.

## Fast Food Workers

Under NYC's Fair Workweek Law, employers must give workers at fast food restaurants predictable schedules and the chance to work more hours. Also, employers cannot fire fast food workers or reduce their hours by more than 15% without just cause or a legitimate economic reason. Fast food restaurants are those which are part of a chain, primarily serve food and beverages, offer limited service, and are one of 30 or more such establishments nationally. Customers order food or drinks and pay before they sit down to eat or take their food to go, or they place an order for delivery off-site.

## Forced Labor and Labor Trafficking

It is illegal for an employer to force or coerce an employee to work for them, such as by threatening to have them arrested or deported if they do not work. It is also illegal for employers to bring employees to the United States to work with false promises about working conditions, or through force or coercion.

## What Rights do Immigrant Workers Have?

Immigrant workers, including those not in the country legally and without work authorization are protected by almost all labor laws. The only exception is that workers who do not have work authorization are not eligible for unemployment insurance benefits if they are fired from their jobs.

## How Can I Get Help or More Information?

**You may be able to get a free legal consultation and assistance from Catholic Migration Services by calling 877-525-2267.**

Workers can also contact the following government agencies to get more information or file a complaint:

- For unpaid wages, minimum wage and overtime violations: New York State Department of Labor, (888) 469-7365.
- For sick leave and fast food worker violations: New York City Department of Consumer and Worker Protection, Dial 311 and ask for the Department of Consumer and Worker Protection's Office of Labor Policy & Standards.
- For discrimination and sexual harassment: New York City Commission on Human Rights, (212) 306-7450.
- For workers' compensation, contact the New York City Bar Association to ask for a referral, (212) 626-7373.