

management matters

A Roundup of New York's Employment-Related Statutes: Part I

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The laws of New York are chock-full of requirements that govern the workplace and the conduct of employers. While many of these can be found in the New York Labor Law, a large number reside in other statutes, including those that employers may not encounter in the ordinary course of business. And because, as we have all heard, ignorance of the law is no excuse, this article gathers several of the lesser-known laws (most employers are aware of the antidiscrimination provisions of the New York State and New York City Human Rights Laws) that impose obligations on employers and provide protection to employees.

Payment of Wages

Frequency of payment. Employees must be paid not less frequently than semimonthly, on regular paydays designated in advance by the employer. Exempt employees (generally executive, administrative, or professional employees) may be paid monthly.

Upon termination of employment, wages owed must be paid not later than the regular payday for the period during which the termination occurred.

Direct deposit. Employers may not directly deposit the wages of a nonex-

empt employee in a bank or other financial institution without the advance written consent of the employee.

Deductions from wages. Employers may not make deductions from an employee's wages except in accordance with law or regulation, or where the deductions are expressly authorized in writing by the employee for the benefit of the employee (e.g., insurance premiums, pension or health and welfare benefits, contributions to charitable organizations, payment for dues, or assessments to a labor organization).

Notice and Record-Keeping Requirements

Employers must—

- notify employees upon hiring of the rate of pay and the regular paydays designated by the employer.
- notify employees of any changes in the paydays prior to the inception of such changes.
- furnish each employee with a statement with every payment of wages listing gross wages, deductions, net wages, and, upon the request of the employee, an explanation of how such wages were computed.
- establish, maintain, and preserve for

not less than three years payroll records showing the hours worked, gross wages, deductions, and net wages for each employee.

- notify employees in writing or by public posting of the employer's policies on sick leave, vacation, personal leave, holidays, and hours.
- notify employees within five days after the termination of their employment of the effective date of their termination and the date on which their benefits cease.

Jury Duty

An employer with 10 or more employees must pay each employee summoned for jury service that employee's first \$40 of pay for each of the first three days of jury service. Aside from this obligation, the employer need not pay the employee wages for jury service unless the employee is performing work while serving on jury duty. An employer may not discharge or penalize an employee who has given prior notice of jury service to the employer on account of the employee's absence from work for such service.

Witness Leave

An employer may not discharge or

penalize—but need not pay wages to—an employee who must be absent from work for any of the following reasons: 1) The employee is a victim of a crime upon which an accusatory instrument is based. 2) The employee is subpoenaed as a witness in a criminal trial, or 3) The employee exercises the right as a victim of a crime to appear as a witness in a criminal proceeding. The employee must notify the employer at least one day in advance of any such appearance as a witness. In addition, the employer may require that the employee provide verification of such appearance.

Voting Leave

If an employee does not have enough time outside of regular working hours to vote, he or she may, without loss of pay for up to two hours, take whatever additional time is needed to vote. If an employee has four consecutive hours off from work during the entirety of which the voting booths are open, the employee is considered to have enough time outside of regular working hours to vote. An employer may not penalize or withhold wages from an employee for exercising voting rights or prevent

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