



A Division of the New York Legal Assistance Group

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This is general information, not legal advice. Patients should consult an attorney for specific guidance.

Know Your Rights: Hourly Wage Earners in New York

Minimum Wage as of December 31, 2017

- ◆ The minimum wage in New York City is \$13.00/hour for employers with 10+ employees and \$12/hour for employers with under 10 employees.
- ◆ The minimum wage in Westchester, Suffolk, and Nassau is \$11/hour.
- ◆ In all other areas of NYS employees must be paid \$10.40/hour. (The federal minimum wage is \$7.25/hour).
- ◆ All hourly employees must be paid at least once every 2 weeks.

Tips as of December 31, 2017

- ◆ Food Service workers in New York City (of employers with 10+ employees) must be paid least \$8.65/hour and \$8.00/hour for smaller employers. If the tips they receive do not bring their hourly wage up to \$13.00/hour for large employers and \$12/hour for small employers, the employer must pay the difference. See the [Department of Labor Fact Sheet](#) for minimum wage standards for other types of tipped workers and employees outside of New York City.
- ◆ Managers are not permitted to take portions of food service workers' tips.

Overtime as of December 31, 2017

- ◆ Hourly wage earners are entitled to overtime pay of 1.5 times their regular hourly wage for all time worked over 40 hours in a given week.

[Click here to access more information about how the federal law protects your rights to fair wages](#)

[Click here to access more information about how NY state law protects your rights to fair wages](#)

Sick Leave as of April 1, 2014

- ◆ Under New York City law, employees, with limited exceptions, who work at least 80 hours per calendar year accrue sick leave at a rate of 1 hour for every 30 hours worked.
 - Employees working for an employer with 5 or more employees are eligible for a maximum of 5 days of paid sick leave.
 - Employees working for an employer with fewer than 5 employees are eligible for a maximum of 5 days of unpaid sick leave.
 - Sick leave may be used for yourself or to care for a sick family member.

More questions? Refer patients for an appointment with a LegalHealth attorney

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Know Your Rights: Hourly Wage Earners in New York (cont.)

Family and Medical Leave as of August 5, 1993

- ◆ The Family and Medical Leave Act (FMLA) protects employees who have worked at least 1,250 hours over the past 12 months for an employer with 50+ employees within a 75 mile radius. Employees with qualifying needs are entitled to 12 weeks of unpaid leave per calendar year.
 - Workers may take time off for illness, childbirth, or to care for a child, parent, or spouse with a serious health condition.
 - Employees returning to their jobs after taking up to 12 weeks of leave have the right to be reinstated in a similar position upon return to work.

Paid Family Leave as of January 1, 2018

- ◆ New York employees working for private employers may be eligible for up to 8 weeks of [Paid Family Leave](#). Workers taking this leave are entitled to 50% of their average weekly wage, capped at \$652.96/week.
- ◆ Covered workers:
 - Full-time employees, who work a regular schedule of 20 or more hours per week, are eligible for Paid Family Leave after 26 consecutive weeks of employment.
 - Part-time employees, who work a regular schedule of less than 20 hours per week, are eligible after working 175 days, which do not need to be consecutive.
- ◆ Leave may be used to: bond with a newly born, adopted or fostered child; care for a close relative with a serious health condition; or assist loved ones when a family member is deployed on active military service.
- ◆ Paid leave may [overlap](#) with FMLA and disability leave.

Employers **cannot retaliate** against employees for requesting or asserting any of the above rights.

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