

National  
Employment  
Law Project

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Wage and hour laws protect the rights of all workers to be paid for their work. These laws apply to both documented and undocumented workers. You may be protected by these laws even if you think you are an independent contractor.

### HOW MUCH DOES MY EMPLOYER OWE ME?

#### **You have the right to a minimum wage.**

The minimum wage in New York is \$6.00 per hour as of January 1, 2005. It will increase to \$6.75 as of January 1, 2006, and to \$7.15 as of January 1, 2007. As a worker, you are entitled to at least this amount for every hour you work. Some exceptions include employers who can pay tipped employees and farm workers less than the minimum wage.

#### **You have the right to overtime pay.**

If you work over 40 hours in one work week, your employer must pay an overtime rate of one and a half times your regular rate of pay for every additional hour.

► Example: If your regular rate is \$8.00/hr, your employer should pay you \$12.00/hr for each hour over 40 hours that you worked that week.

Therefore, if you worked 50 hours in one week, you should earn:

$(\$8.00 \times 40 \text{ hours}) + (\$12.00 \times 10 \text{ hours}) = \$320.00$  for a 50-hour week

If you are a **live-in domestic worker**, you have a right to the overtime rate after 44 hours of work in one work week. The overtime rate for live-in domestic workers is also one and a half times the regular rate of pay.

#### **10-hour days mean extra pay!**

For each day that you work over 10 hours, New York law states that you have the right to be paid an additional hourly minimum wage rate (\$6.00 in 2005).

► Example: If you work 12 hours in one day and your regular hourly pay is \$6.00/hr, you should earn:

$\$6.00 \times 12 = \$72.00$ . Add \$6.00. Total = \$78.00

#### **Prevailing rates apply on public works projects.**

If you are performing construction or maintenance on a government building or structure, you are generally entitled to earn the "prevailing wage." Put simply, prevailing wages are union wages. You are covered under prevailing wage laws even if you are not a member of a union.

#### **Tipped employees have wage rights.**

If you are a tipped employee, you may be paid as little as \$3.85/hr in 2005 (\$4.35/hr in 2006; \$4.60/hr in 2007). Employers can do this only if your tips plus your wages are equal to or greater than the minimum wage per hour (\$6.00/hr in 2005). Your employer is also required to keep accurate records of the tips you receive.

## WHEN SHOULD I GET PAID?

### **You have the right to be paid on time.**

Manual laborers must be paid every week. The wages for any week's work must be paid within seven days after the end of that week.

Clerical workers must be paid at least twice a month.

### **Left your job?**

You are entitled to wages for all of the hours worked prior to leaving a job. Your employer must pay you any outstanding wages no later than the next regular pay day. You may also request to have your wages sent to you in the mail.

## LAWFUL AND UNLAWFUL DEDUCTIONS FROM WAGES

Employers deduct fixed amounts of money from your paycheck for various state and federal taxes. They may also make deductions for certain employee benefits that you authorize.

Examples of legal deductions:

- Federal and State taxes
- Union dues
- Health and pension benefits
- Child support payments

Employers may **not** make deductions:

- To pay for things you broke
- For poor performance
- As punishment for being late
- For the cost of purchasing and cleaning uniforms

## DOES YOUR EMPLOYER OWE YOU MONEY? HERE ARE SOME THINGS YOU CAN DO.

You can file a claim for unpaid wages with the **United States Department of Labor** or the **New York State Department of Labor**. The relevant offices to contact are:

**U.S. Dept. of Labor,  
Wage & Hour Division**  
26 Federal Plaza  
Room 3838  
New York NY 10278  
(212) 264-8185

**NY State Department  
of Labor,  
Wage & Hour Division**  
345 Hudson Street  
New York, NY 10014  
(212) 352-6700

If your claim is for less than \$5,000 you may also file a lawsuit in Small Claims Court.

**Manhattan**  
(New York County)  
111 Centre Street  
New York, NY 10013  
(212) 347-5779

**Bronx**  
(Bronx County)  
851 Grand Concourse  
Bronx, NY 10451  
(718) 590-3000

**Brooklyn**  
(Kings County)  
141 Livingston St.  
Brooklyn, NY 11201  
(718) 643-5069

**Queens**  
(Queens County)  
120-55 Queens Blvd  
Kew Gardens, NY 11424  
(718) 520-4741

**Staten Island**  
(Richmond County)  
927 Castleton Ave  
Staten Island, NY 10310  
(718) 390-5416