



WNYCOSH WORKER CENTER

KNOW YOUR RIGHTS

Minimum Wage \$16.00/hour

Farm workers have a minimum wage of \$16.00/hr, with a “farm work agreement” that determines how the wage is earned as well as the working conditions.

Home care workers have a minimum wage of \$18.65/hr.

Tipped Employees

- Wage of \$10.70/hour with a minimum of \$5.30 in tips OR paid by the employer.
- Amount of tips earned or paid by the employer increases with the minimum wage.
- Tipped employee are covered by overtime rules.
- Employees that receive tips or gratuity **may not have their tips demanded or accepted** either *directly* or indirectly by an employer or on behalf of the employer.

Minimum Wage Schedule

Beginning in 2027, minimum wage in New York State will be indexed to inflation. This means the minimum wage will go up annually, but we do not yet know by how much.

Temp Workers’ Rights

Temp workers have a right to:

- Be free from discrimination by **BOTH** the employment agency and the host employer.
- Be provided with identical or equivalent safety training to host employers’ non-temp employees.
- The minimum wage.

Right to a Safe and Healthy Workplace

You have the right under U.S. health and safety laws to:

- Be trained in a language you understand.
- A workplace safe and free of recognized hazards.
- Raise health and safety concerns with your supervisor.
- File a complaint with OSHA about unsafe or unhealthy conditions.
- Refuse to do a job task that you reasonably think might put you in immediate danger.
- Know about hazards in your workplace.
- Not to be discriminated against (fired, given a worse job, etc.) for reporting safety hazards (see: Whistleblower Protections).
- Access to records of medical tests and other tests that monitor your work environment for hazardous materials.
- Access to information about injuries and illnesses that occurred in your workplace.

Overtime

Most workers are entitled to 1 1/2 times their regular wage for all hours worked over 40 in a one week period.

There are exceptions from overtime for:

- *Farm Workers who work less than 60 hours/ week.*
- *Executive Employees: those who can hire/ fire and who regularly direct the work of two or more employees.*
- *Professional Employees: those who have a 4-year degree or whose work is primarily creative.*
- *Administrative Employees: those who exercise discretion and independent judgement or have mostly office/non-manual field work directly related to management policies.*

Frequency of Pay

Most workers must be paid for their work within 7 days of the period in which the wages were earned.

Right to be Free from Discrimination

Title VII and the New York State Division of Human Rights protects employees from being discriminated against.

Groups Protected from Discrimination

- Race
- Color
- National Origin
- Religion
- Gender
- Disability
- Sexual Orientation
- Military Status
- Predisposing Genetic Characteristics
- Family Status
- Marital Status
- Domestic Violence
- Pregnancy
- Political Activities (outside of work)
- Recreational Activities (outside of work)
- Union Membership

Whistleblower Protection

It is illegal to penalize or fire an employee for making or filing a complaint to any government agency. An employer **may not** punish employees for reporting an employer to a government agency in good faith.

An employer may be liable for retaliation for:

- Firing/laying off
- Blacklisting
- Demoting
- Denying Overtime/Promotion
- Failing to hire/rehire
- Intimidation
- Making Threats
- Reducing Pay
- Reducing Hours
- Disciplining
- Denying benefits
- Reassignment affecting prospects for promotion

Right to Workers' Compensation

If you are injured on the job:

- You are entitled to workers' compensation insurance, even if you are paid "off-the-books" or "under-the-table"
- You should complete an Employee claim form also known as a "C-3" through your employer or you can receive assistance from the WNYCOSH Worker Center Hotline at (716) 206-3550.