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The Law at Work: What You Need to Know About Your Rights

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The Law at Work: What You Need to Know About Your Rights

Abstract

[Excerpt] If you have ever had a job, you have probably had some questions about your rights as a worker. This booklet helps answer some of the most frequently asked questions about the laws that cover workers and workplaces. If your question is not answered, or you want more information about a particular topic or help with a problem, just check the back of the booklet for a list of agencies and organizations that can help answer your questions.

The information in this booklet comes from several sources, most published by the U.S. Department of Labor or the New York State Department of Labor. The authors are not lawyers and the information in this booklet is not professional legal advice. If you are experiencing a problem at work, please contact one of the agencies or organizations that we have listed in the back of this booklet. In many cases, it is also a good idea for you to talk to a lawyer who deals with labor and employment law issues. Many lawyers will meet with you to talk about your problem for free, and some will represent you for free.

Keywords

Cortland Works One-Stop Career Center, job, worker, rights, law, workplace, labor, NYS, lawyer

Disciplines

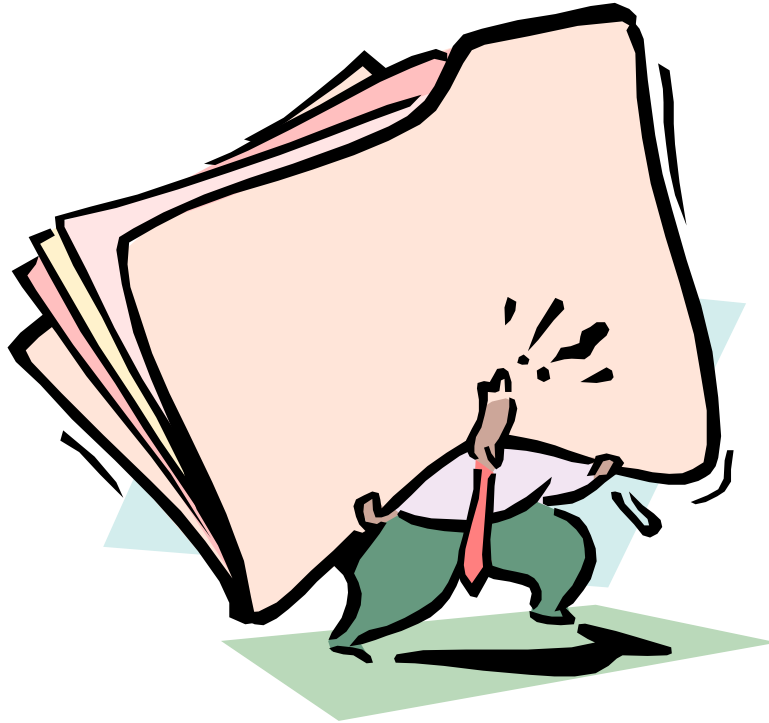
Labor and Employment Law

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THE LAW AT WORK:

WHAT YOU NEED TO KNOW ABOUT YOUR RIGHTS



**Written for the Cortland Works One-Stop Career Center
By Kiernan Joliat and Kailing Li
January 2007**

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INTRODUCTION

If you have ever had a job, you have probably had some questions about your rights as a worker. This booklet helps answer some of the most frequently asked questions about the laws that cover workers and workplaces. If your question is not answered, or you want more information about a particular topic or help with a problem, just check the back of the booklet for a list of agencies and organizations that can help answer your questions.

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SAD BUT TRUE: WHAT IS LEGAL!

EMPLOYMENT AT WILL

New York is an “employment at will” state. That means that your boss can fire you at any time for almost any reason, just like you can quit your job at any time for any reason. It is perfectly legal for your boss to fire you because he doesn’t like you, just as it is perfectly legal for you to quit your job because you don’t like your boss.

There are some illegal reasons for firing someone. If you were fired because of your age, sex, race, citizenship, disability, religion, sexual orientation, ethnic background, or pregnancy, that is discrimination and your boss may have broken the law (for more information, see page 5 of this booklet). You also cannot be fired because you did something that the law gives you the right to do. For example, you cannot legally be fired because you reported a health and safety violation to OSHA or took time off to care for your sick child.

If you think you have been fired unfairly, contact the New York State Division of Human Rights.

HOURS

Many jobs give you a break or two during the day, plus lunchtime. The law does not say your boss has to do this! If you work a shift of more than six hours, you must be given at least a half-hour for a meal break. Your boss is not legally required to give you any other breaks, and your boss is not required to pay you for the time you spend on your meal break.

There is also no law that says you must have nights or weekends off work. If you are over 18, your boss can require you to work any hours, any day of the week. Most workers have the right to at least one day off (24 hours in a row) per week, but this is not always the case.

There is no law that says your boss must provide paid vacation, sick, or holiday leave. If your boss does give you some or all of these benefits, you must be told about them in writing, or notice of the benefits must be posted somewhere in your workplace.

WAGES

It is legal for some workers to be paid less than minimum wage. If you work in a restaurant and get tips, you can be paid less than minimum wage as long as the tips you make plus your pay add up to at least minimum wage. If you drive a taxi, baby-sit in your employer’s home, or work as a volunteer, learner, apprentice, or student in a non-profit organization, you also do not have to be paid minimum wage. There are some other jobs that can legally be paid less than minimum wage. For more information, contact the New York State Division of Labor Standards.

ON THE JOB

WAGES AND HOURS

I think I am not being paid enough. What is the minimum wage?

For most jobs, you must be paid at least \$7.15 per hour. If you work in a restaurant, you can be paid less than this, as long as what you are paid plus the tips you get adds up to at least \$7.15 an hour. There are some other jobs that also do not need to pay minimum wage, but most jobs are required to pay at least \$7.15 per hour.

Lots of weeks, I work more than 40 hours per week, but I only get paid for 40. Is this legal?

No. You must be paid for all of the hours that you worked. This includes any time you spend doing things like cashing out after your shift ends, cleaning, setting up machines, or other things that your boss says are “off the clock.”

If you work more than 40 hours in a week, you must be paid overtime in most cases. Overtime pay is one and a half times your regular rate. For example, if you make \$8 an hour and work 45 hours in a week, you will be paid \$8 an hour for the first 40 hours you worked, and \$12 an hour for the extra 5 hours that you worked.

Not all jobs are required to pay you overtime. Some workers are not included in the overtime requirement. If you have a question about whether you are entitled to overtime, talk to your local workers’ rights center or the New York State Division of Labor Standards.

When do I have to be paid?

Most workers must be paid every week or every two weeks. If you work in an office, you must be paid at least twice a month. If you are a salesperson and you get a commission, you must be paid at least once a month.

If you are not being paid on time, or if your boss has not paid you at all, you may have the right to get the money that your boss owes you. Contact the New York State Division of Labor Standards to find out how you can get your payment.

What is my boss allowed to take out of my paycheck before I get paid?

Money that comes out of your paycheck before you get it is called a deduction. If your paycheck has any deductions, your boss must give you a written statement that tells you exactly what has been taken out.

Legal deductions are things like Social Security, taxes, and payments the court has ordered like wage garnishments or child support. Health or disability insurance, union dues, and pensions are also legal deductions, as long as you have told your boss in writing that you agree to them. Your boss cannot take money out of your paycheck for uniforms, lost or broken equipment, punishment, or any other reason.

Is there a limit on the number of hours I can work per week?

If you are over 18, there is no limit on the number of hours you can work per week. Your boss can also require you to work nights and weekends, and other hours that might be inconvenient for you. However, most jobs are required to give you at least one day (24 hours in a row) off work per week.

DISCRIMINATION: BEING TREATED UNFAIRLY

My boss treats me differently than the other workers because I am female. Is this legal?

It is illegal for your boss to discriminate against you. Discrimination is when you are treated differently because of your:

- **age,**
- **sex,**
- **race,**
- **color,**
- **citizenship,**
- **disability,**
- **religion,**
- **sexual orientation,**
- **personal beliefs,**
- **country of origin, or**
- **pregnancy.**

If an employer refuses to hire you, refuses to promote you, treats you differently than the other workers in any way, or fires you because of any of these reasons, you may have been discriminated against. There are also some questions that you cannot be asked in a job interview or application. These include questions about your age, race, religion, what country you come from, disability, whether or not you are married or have children, and other personal things.

Under New York law, the laws that make discrimination illegal do not cover employers with fewer than four employees. If you work for an employer with fewer than four employees, and you feel like your boss is discriminating against you, call your local workers' rights center to get advice.

Discrimination is hard to prove. If you think your boss is discriminating against you, write down everything that you think is discrimination, including names, dates, evidence, any other important details, and anyone who saw or heard it happen. You should also talk with your co-workers to see if it is happening to them too – you may not be alone. If the place where you work has a way for you to make a complaint, you should make one. Then, contact your local workers' rights center to get advice, or the New York State Division of Human Rights to make a complaint. In these cases, it is also a good idea for you to talk to a lawyer.

My boss keeps asking me out but I keep telling him I don't want to go out with him. I think this is wrong. What can I do?

Sexual harassment is a kind of discrimination, and it is illegal. Many different things can be sexual harassment – you do not have to be touched to be harassed. If someone you work with, including your boss, is making you feel uncomfortable by asking you out repeatedly, touching you in a way you do not want, making dirty jokes to or about you, talking to or about you in a sexual way, asking you to do sexual things you don't want to do, or any other sexual behavior that makes it hard for you to do your job, they may be breaking the law. If your boss tells you that you will be fired or lose a promotion or benefit if you do not allow the behavior to continue, or if you are given a promotion or other special treatment for allowing the behavior to continue, that can be sexual harassment too.

If you think you are being sexually harassed at work, you should follow the advice given above for discrimination. Keep a record of everything that happens, as detailed as you can get. Then, make an official complaint to the management of the place where you work, if there is a

way for you to do so. If there are no rules about making a complaint, you should still tell the management of your workplace what is going on. If you are being harassed, your employer is legally required to look into your complaint and prevent the harassment from happening.

After you have complained to the place where you work, you can file charges with the Equal Employment Opportunity Commission (within 300 days of the harassment), the New York State Division of Human Rights (within one year of the harassment), or sue in New York state court (within three years of the harassment).

TERMINATION: GETTING FIRED

How can I find a new job if I get fired?

You can talk to Cortland Works or your local One-Stop Career Center for help. The One-Stop Career Centers have a lot of different information and many special programs that can help you get a new job. You can also find job listings on websites, such as the New York State Department of Labor website (listed in the back of the booklet), America's Job Bank (www.ajb.org), and Career City (www.careercity.com). You can also get help from online resume preparation websites, like The 10 Minute Resume (www.10minuteresume.com), or the New York State Workforce Development System (www.wdsny.org/common/resume.htm). These are not the only sites that might be helpful – talk to the staff members of your career center to see what they can do for you.

What rights do I have if I get fired?

If you belong to a union, you should talk to your union representative. If you do not belong to a union, your boss has the right to fire you for almost any reason. If you think that you were fired unfairly, you can talk to your local workers' rights center for more information.

What if I got fired because of my race, sex, disability, or something else?

It is illegal to fire someone because of his or her race, color, beliefs, religion, sex, sexual orientation, country of origin, age, marital status, or disability. This is discrimination, and it is against the law. If you think you were fired for one of these reasons, you should report it to the New York State Division of Human Rights or the Equal Employment Opportunity Commission. You might also be able to sue your employer. If you need advice, you can call or visit your local workers' rights center, and you can also talk to a lawyer.

What can I do if my Employee Handbook says that I cannot be fired without good cause?

You might be able to sue your boss for firing you unfairly. If you decide to do this, you will probably need to hire a lawyer. To get advice on whether you should sue and how to find a good lawyer, talk to your local workers' rights center.

Can I be fired while I am on disability or worker's compensation leave?

No. Your boss cannot fire you because you filed a claim for disability or workers' compensation benefits. However, your boss can replace you if you are not able to work. Unless your leave is covered under the Family and Medical Leave Act (for more information, see page 10 of this handbook), your job does not have to be held for you. For more information, talk to your local workers' rights center or contact the U.S. Department of Labor.

PERSONAL RIGHTS

Can my boss use hidden cameras at our workplace?

It is not illegal for an employer to use cameras that cover areas of the workplace, such as lobbies, work areas and parking lots. However, an employer cannot use a mirror, camera, video recorder or other viewing device to look at the inside of a restroom, toilet, bathroom, washroom or shower. For more information, you can talk to the New York Civil Liberties Union, the Privacy Rights Clearinghouse, or the National Work Rights Institute. You can also talk to your local workers' rights center.

Can my boss search my desk or personal property?

For most workers, there is no law that says your boss cannot search your desk or any personal items you keep at work. However, it is illegal for your boss to open or read a sealed letter or other private message to you.

Can my boss make me take a drug test?

If you work for a private employer (someone who is not part of the state, federal, or local government or other public service business), your boss can give you a drug test at any time, even if you have not done anything to make your boss think you are on drugs. If you work for the government or some other public agency, it is not usually legal for your boss to give a drug test to all the employees. Sometimes, though, it is legal for your boss to give you a random drug test, if the law requires it or if there is a possible public safety problem.

Can my boss stop me from getting involved in politics?

It is illegal for your boss to fire or punish you for your private activities, as long as they are not done at work, during work hours, and do not use your boss's equipment or property. If you work for the public, you may have other rights too. For more information, talk to the New York Civil Liberties Union, or to your local workers' rights center.

WORKING WITH DISABILITIES

What laws protect people with disabilities?

The Americans with Disabilities Act (ADA) and the New York State Human Rights Law (HRL) protect you if you have a disability. These laws make it illegal for your boss to discriminate against you if you have a disability. If you think your boss has broken the law, you can talk to the Equal Employment Opportunity Commission, New York State Division of Human Rights, or your local workers' rights center for more information and advice.

How do I know if I have a disability?

The Americans with Disabilities Act says that if you have a physical or mental problem that makes it hard for you to hear, speak, walk, breathe, or do things like lift, work, and care for yourself, you legally have a disability. Under the New York State Human Rights Law, there are more things that might be included in deciding whether you have a disability. If you have questions about whether you have a disability, you can talk to your local workers' rights center for more information.

What rights do I have if I have a disability?

It is illegal for your boss or your co-workers to discriminate against you in any way because of your disability. To find out more about discrimination and what you can do about it, look at page 5 of this handbook.

In addition, your boss may be required to provide a reasonable accommodation for you, which means that if you need something to be changed so that you can do your job, your boss has to make that change. However, you must tell your boss what changes you need that would make it easier for you to do your job. The changes must not be too hard or too expensive for your boss to make.

Is it legal for an employer to ask about my disability when I apply for a job?

No. It is illegal for someone to ask you about your disability or to make you take a medical exam when you apply for a job. If the employer knows about your disability, it is legal for them to ask you to tell them how you could do the job despite your disability. You may also have to take a medical exam after you have been offered the job. If you have questions about this or need more information, you can talk to your local workers' rights center or the Equal Employment Opportunity Commission.

UNIONS

What is a union?

A union is a group of workers who join together to protect and improve their rights at work. Unions make contracts with employers to try to get better pay, better benefits, and better working conditions for their workers. Most union contracts also make it illegal for a worker to be fired for no reason. If the employer wants to fire someone, he or she has to prove why that person should be fired.

Can I join a union?

Most workers in most jobs have the right to start or join a union. If you want to start or join one, contact the union you would like to join or the Central New York Area Labor Federation to find out more information.

It is illegal for your boss to fire or punish you for union activity. You have the right to go to meetings about joining a union, talk to other employees about joining a union, and ask your boss to recognize a union, plus other union-related rights. If you think your boss has unfairly punished you for union activity, contact the National Labor Relations Board within six months of the action.

HEALTH AND SAFETY AT WORK

Are there any laws that protect me from working in a dangerous or unhealthy place?

Yes, there are both state and federal laws that protect your right to a safe and healthy job and workspace. For example, your boss must not expose you to too many dangerous chemicals, and you must use safety equipment when doing certain jobs. To find out exactly what safety standards your job needs to follow, contact your boss or the Occupational Safety and Health Administration (OSHA).

If you are worried about something unsafe at your workplace, talk to your boss or supervisor to see if they can fix the problem. You can also call OSHA and get an inspector to

come to your workplace to see if there are any safety or health problems. You have the right to complain to OSHA or to your boss if you think your job is not following the safety standards, and your boss cannot fire or punish you for making a complaint or asking them to fix the problem. If you think you have been fired or punished for bringing up a safety problem, you need to complain to OSHA within 30 days of your boss's action.

OFF THE JOB

WORKERS' COMPENSATION

What is workers' compensation?

Workers' compensation is a kind of insurance that your boss pays for, which allows you to get payments if you are hurt, get sick, or die on the job. The Workers' Compensation Board, New York State Advocate for Injured Workers and your local workers' rights center are all places you can go for more information about workers' compensation.

How do I know if can get workers' compensation?

You might be able to get workers' compensation if you are hurt or get sick because of your job, or if you already have an injury or sickness that gets worse because of your job. In order to get workers' compensation, you have to file a claim as soon as you get hurt or sick. You do not have to be a U.S. citizen to get workers' compensation. You can talk to the Workers' Compensation Board to find out whether you can get workers' compensation and to file your claim.

What can I get from workers' compensation?

Workers' compensation pays for all of your doctor's treatment and recovery, including any money you spend to get back and forth to the doctor. It also gives you cash payments for any money that you are not earning if you are off the job for more than one week or if you are permanently disabled. You do not pay taxes on the benefits. If you need more information about what you can get from workers' compensation, you can either talk to the Workers' Compensation Board or come to a One-Stop Career Center for help.

Do I need a lawyer for my claim?

You will only need a lawyer if your boss tries to keep you from getting workers' compensation. If you get a lawyer, you do not have to pay the lawyer unless you win your case. When you win your case, the judges at the Workers' Compensation Board decide how much to pay your lawyer, and your boss's insurance company pays your lawyer out of the money you won in your case. The rest of the money you won goes to you. If you need to get a lawyer, you can talk to the New York State Advocate for Injured Workers or to your local workers' rights center for help.

FAMILY AND MEDICAL LEAVE

My boss fired me because I took too much time off work to take care of a sick family member. Is that legal?

The law called the Family and Medical Leave Act (FMLA) allows some employees to take up to 12 weeks off work without pay to take care of a family member or to recover from being sick or having a baby. If you are covered by FMLA, your boss cannot keep you from taking this leave, and you cannot be punished for taking it. While you are on leave, your boss must keep giving you any health benefits you normally get, and your boss must give you your old job back (or a job with the same pay, benefits, and responsibilities) when you return, no matter how long you were away.

If your employer has 50 or more employees, and you have worked there at least 12 months and worked at least half-time in the year before your leave, you can take FMLA leave. Unfortunately, if your employer has less than 50 employees, or if you have not worked there long enough, you will not be covered by FMLA.

Not every sickness or health problem is covered by FMLA. In order to take FMLA leave, you or your family member must have a health problem that prevents you or them from working for at least 3 days in a row, or have a health problem that requires an overnight stay in the hospital or several treatments. You can also take FMLA leave in order to have a baby or take care of a new baby or child (including adopted children).

If you think that you qualify for FMLA leave but your boss is trying to keep you from taking it or punishing you for taking it, contact the United States Department of Labor.

UNEMPLOYMENT BENEFITS

How do I know if I can get unemployment benefits?

In most cases, if you were laid off from your job or fired for most reasons, you can get benefits. You may not be able to get employment benefits if you quit your job for no reason, or if you were fired because you did something wrong. You can talk to the New York State Department of Labor or your local workers' rights center for more details about whether you can get benefits.

How can I file a claim for unemployment benefits?

You should file your claim in the first week that you are out of a job. You will need your social security number, driver's license number or other identification, your home address and phone number, and the names and addresses of all the places you worked in the last 18 months. You can get more information from the New York State Department of Labor, but you have to apply by phone. You can also get help and information from your local workers' rights center.

How much do I get?

If your claim is approved, you can call a local number to get your benefits each week you are out of a job. For each full week's unemployment, you can receive about half of the average money you used to make each week, up to a maximum benefit of \$405. Unemployment benefits are taxable. You can visit your local One-Stop Career Center or your local workers' rights center to get help finding out how much you will get.

What do I need to do once I start getting the benefits?

You have to actively look for work and keep a record of your job hunting. If you do not do this, your benefits may be cut or stopped. You must be able and ready to work. If you are unable to work because of illness or injury, your benefits may be stopped temporarily or reduced. You cannot refuse a job offer if it is for work you are trained to do and which pays the usual wage for that kind of work in your area. If you need more information about job searching and about your unemployment benefits, please visit or call your local One-Stop Career Center or your local workers' rights center.

What can I do if my claim for benefits is denied?

You can tell the office that you want a hearing before an administrative law judge, but you have to do this within 30 days after you find out that your claim has been denied. At the

hearing, you and your boss can both give evidence and have witnesses testify. If you need a lawyer, you can talk to a legal aid agency, such as the Cornell Legal Aid Clinic. Some of these agencies will give you a lawyer for free. After the hearing, the administrative law judge will decide whether you can get benefits. If you disagree with the decision, you can appeal to the Appeal Board. You can get more information about this from a One-Stop Career Center or your local workers' rights center.

STARTING YOUR OWN BUSINESS

What kinds of businesses are there?

There are three basic types of businesses: the sole proprietorship, the partnership and the corporation. You can also set up a non-profit corporation. Each type of business has advantages and disadvantages, and each type is taxed differently. Before you decide which type is the best for your business, you should talk to an accountant and a lawyer. If you need help setting up your own business, talk to your local One-Stop Career Center for more information.

What permits do I need for my business?

Some businesses need special New York State permits. A permit is any license, registration or other type of authorization that the State government requires. Examples of business that require a permit are auto repair shops, beauty shops, restaurants and childcare centers. You can talk to your local One-Stop Career Center for more information on whether you need a permit and what kind of permit you need. You may also need to talk to the county clerk or village, town or city clerk in the place where you will have your business, since many places have their own special laws about starting a business.

How do I register my business name?

When you do business under a name other than your own name, then you must register the new name. Sole proprietorships and general partnerships register with the county clerk in the county where the business is. Limited partnerships and corporations register with the New York State Department of State. You should know that registration of your business name is not permission to conduct business.

How do I register my trademarks?

A trademark is a word, name, symbol, device or any combination of these that identifies and distinguishes goods. The greatest advantage of registering a trademark is that it gives notice of your claim to the mark. Someone else cannot claim any rights to the mark. Under the General Business Law, if you adopt and use a trademark in the state you may file it with the New York State Secretary of State, who can issue a certificate of registration. For more information and an application form, you may contact New York State Department of State.

Where can I get information on financing sources?

The New York State Banking Department operates a toll-free hotline where you can get information on financing sources.

SPECIAL GROUPS OF WORKERS

VETERANS

As a veteran, what services can I get from a One-Stop Career Center?

Both New York State and federal law say that all veterans get first access to any services provided by Cortland Works and other One-Stop Career Centers around New York State. The One-Stop Career Centers have people who specialize in veterans' services to make sure that your special needs as a veteran are met.

Where can I get information about veterans' benefits?

You can get this information from the staff at any One-Stop Career Center. If you need more information or services, you can talk to one of the many veterans' agencies like the New York State Division of Veterans' Affairs. You can also talk to your local workers' rights center for more information on veterans' benefits or services provided by the New York State Division.

Is there any special work program for veterans?

The 55/C program is a Civil Service program that saves 300 jobs for qualified disabled veterans. Section 55/b also allows Civil Service to save up to 1,200 jobs for qualified disabled people, including both veterans and non-veterans.

How can I get job training if I want to change careers?

Title IB of the Workforce Investment Act started a system that provides services and classroom training to help dislocated workers find new jobs. A veteran can be a dislocated worker if he or she has been fired or laid off from a job (military service), or has been told that he or she is about to be fired or laid off. A veteran can also be a dislocated worker if he or she cannot get or has used up unemployment insurance benefits, and is not going to return to work in his or her old job.

IMMIGRANTS

I am in the United States illegally. Do labor laws still apply to me?

Many labor laws protect workers regardless of their immigration status. However, if you are in the United States illegally, an employer who knows that you are here illegally and hires you anyway may be breaking the law. Also, you should be aware that while you have the right to report your employer for possible labor law violations, you run the risk of exposing your immigration status to the federal government.

I am not a U.S. citizen, but I am eligible to work here. Do I need any special papers to prove it?

When you start a job, your boss will have you fill out a form called an I-9. This form allows the federal government to know that you are working legally. In order to fill out your I-9, you must show your boss a document that proves who you are and that you are allowed to work in the U.S. If you have a Green Card, this is proof that you are living in the U.S. legally and can work legally. If you do not have a Green Card, there are several other documents that you can use for the I-9 form. For more information on the exact rules or for help, contact the U.S. Department of Labor or a workers' rights center.

I applied for a job but I was not hired because I am not a U.S. citizen, even though I have a Green Card. Is that legal?

No. This is discrimination based on your citizenship status, and it is illegal under federal law. You can make a discrimination complaint to the New York State Division of Human Rights if you think this has happened to you.

FARM WORKERS

What are the laws that protect farm workers?

When you work for a Farm Labor Contractor, you have a right to know how much you will be paid and whether you will be paid by the hour or by the piece. You also have a right to know what benefits you will get, what hours you will be expected to work, when payday will be, and any other important facts about your work. You have a right to get this information in writing, in a language that you understand.

You must be paid at least minimum wage per hour, unless you are under 18 and your boss has a special certificate from the state government that allows him or her to pay less. You must be paid every week on the regular payday. Every time you are paid, you must be given a wage statement in writing that tells how much you have been paid, your boss's full name and address, your name, and the total number of hours you worked. If you are paid by the piece, this wage statement must also tell you how many baskets, bins, or pails you picked during this pay period, and the size or weight of each basket, bin, or pail.

If you are paid at least minimum wage per hour and you are given food and a place to live by your boss, your boss is allowed to take a certain amount of money out of your pay for your food and place to live. If you are a migrant seasonal farm worker, your boss is not allowed to take any money out of your pay for your food and place to live.

If your work gives you a place to live, that place must be safe, clean, and healthy. You also have the right to have a safe, clean, and healthy place to work. If you work in the fields, your boss must provide a place for you to use the toilet and wash your hands. If your boss gives you a ride to work and back, the car or truck must be safe and have insurance.

If you think any of these laws are being broken, or you have any other problems, call the New York State Department of Labor Farm Workers Hotline or the New York State Division of Labor Standards.

EX-OFFENDERS

What papers do I need to get a job once I have been released from prison?

You will need to have your Social Security Card, your release papers (the prison should give these to you when you are released), any proof of education such as your high school diploma, GED, or a transcript of college courses, and your birth certificate. You will also need your Alien Registration Card, if you are not a U.S. citizen, or your military discharge papers if you are a veteran.

You can also get a Certificate of Relief from Disabilities or a Certificate of Good Conduct from your parole board. These certificates can be used to show that you have done your time for your convictions and are ready to come back to the workforce. They also restore your legal right to vote and to work at most jobs. Even with a certificate, you cannot work in law enforcement or hold certain appointed offices.

If you were convicted of one felony or any number of misdemeanors, you can get the Certificate of Relief from Disabilities. While you are still on parole, the certificate is temporary. Once you are freed from parole, the certificate becomes permanent.

If you were convicted of more than one felony, you can get the Certificate of Good Conduct. If your most serious conviction is a Class A or B felony, you must wait five years from the time you were released from prison or parole to get your certificate. If your most serious conviction is a Class C, D, or E felony, you must wait three years.

Should I get a copy of my Rap Sheet before I apply for a job?

Yes, it is very important to know what your Rap Sheet says about you before you apply for work. Sometimes the information on your Rap Sheet is wrong or incomplete, so if you know what your Rap Sheet says, you can make sure any mistakes are fixed. Also, some jobs will be able to see your Rap Sheet when you apply. If you apply for any kind of civil service job (with city, state, county, or federal government), or if you apply for a job at a hospital, nursing home, bank, museum, or childcare agency, they can look at your Rap Sheet.

To get a copy of your Rap Sheet, you can go to the Pre-Release center at the prison while you are still in prison, or you can request it from the Division of Criminal Justice Services in Albany.

I applied for a job and didn't get it because I have an arrest record. Is that legal?

When you apply for a job, the employer is allowed to ask about convictions, but not about arrests. If you have been convicted, you **MUST** tell the employer when you apply. If you lie about your conviction or do not tell your employer about it when you apply for a job, it may be legal for the employer to not hire you or to fire you once you have started work.

Unless the job you are applying for is related to your felony conviction (such as applying to work at a child care center when you were convicted of child abuse), it is illegal for an employer to refuse to hire you because you are an ex-offender. However, many employers do discriminate against ex-offenders even though it is illegal. If you think you have been discriminated against, contact the New York State Division of Human Rights.

YOUNG WORKERS

What kinds of jobs can I do when I am under 18?

If you are under 16, you cannot work in a factory, in a logging or mining business, or in construction. You also cannot work with some kinds of machines that are especially dangerous, like grinding, cutting, and slicing machines. If you are between 16 and 18, you can work in a factory and with some types of dangerous machinery, but you still cannot work in especially dangerous jobs like logging and mining. For more information on the exact rules, contact the New York State Division of Labor Standards or a workers' rights center.

What hours can I work?

If you are 14 or 15, your boss cannot have you work during school hours or more than 3 hours on a school day. You are not allowed to work more than 8 hours on a non-school day. You also cannot work after 7 PM during the school year, or after 9 PM in the summer. You cannot work more than 18 hours in a school week or more than 40 hours in a non-school week.

If you are 16 or 17, your boss cannot have you work more than 4 hours on Monday through Thursday, and you cannot work more than 8 hours on Friday, weekends, or holidays.

You cannot work more than 28 hours in a school week or more than 48 hours in a non-school week. You also cannot work after 10 PM during the school year, or after midnight during the summer.

If you are under 14, you are not allowed to work at most jobs at all. You can have a job like babysitting or delivering newspapers, but you cannot work at most other kinds of jobs without breaking the law.

For more information on the exact rules, contact the New York State Division of Labor Standards or a workers' rights center.

Can my boss pay me less because I am under 18?

No, your boss has to pay you at least minimum wage (right now \$7.15 per hour). Your boss also must pay you for all the hours you work, and you must be paid overtime (one and a half times your regular hourly pay) if you work more than 40 hours in a week.

Do I need any special papers to show that I am allowed to work?

Yes. You need to get working papers from your local school district. There are several types of working papers, but you need to apply for all of them at your school office. In order to get your working papers, you have to fill out an application form and have your parent or guardian sign it. For more information, contact the New York State Division of Labor Standards.

HELPFUL AGENCIES AND ORGANIZATIONS

If you are having a problem at work and need advice, or if you are looking for community services like childcare and food banks, this list gives contact information for local agencies and organizations that can help you.

ABUSE

New York State Division of Human Rights – to report abuse at work

State Office Building
44 Hawley St., Room 603
Binghamton, NY 13901
Phone: (607) 721-8467
Fax: (607) 721-8470
Website: <http://www.nysdhr.com>

New York State Domestic Violence Hotline – to report abuse at home

Phone: 1-800-942-6906

CHILDCARE

Cortland Area Child Care Council

111 Port Watson St.
Cortland, NY 13045
Local Phone: (607) 753-0106
Toll-Free Phone: 1-877-785-5437
Fax: (607) 753-0119
Website: <http://www.cortlandchildcare.org>

DISABILITIES

J.M. Murray Center – to help find jobs for workers with disabilities

P.O. Box 589
Cortland, NY 13045
Phone: (607) 756-9913
Fax: (607) 753-6954
Website: <http://www.jmmurray.com>

New York State Division of Human Rights – to report discrimination because of a disability

State Office Building
44 Hawley St., Room 603
Binghamton, NY 13901
Phone: (607) 721-8467
Fax: (607) 721-8470
Website: <http://www.nysdhr.com>

VESID – to help find jobs for workers with disabilities

333 E. Washington St., Room 230

Syracuse, NY 13202
Phone: 1-800-782-6164
Fax: (315) 428-4280
TTY: (315) 428-4659
Website: <http://www.vesid.nysed.gov>

DISCRIMINATION

Equal Employment Opportunity Commission – to report a problem

6 Fountain Plaza, Suite 350
Buffalo, NY 14202
Phone: 1-800-669-4000 (toll-free)
Fax: (716) 551-4387
Website: <http://www.eeoc.gov>

New York State Division of Human Rights – to report discrimination at work

State Office Building
44 Hawley St., Room 603
Binghamton, NY 13901
Phone: (607) 721-8467
Fax: (607) 721-8470
Website: <http://www.nysdhr.com>

EX-OFFENDERS

New York State Division of Criminal Justice Services – to get a copy of your Rap Sheet

Record Review Unit
4 Tower Place
Albany, NY 12203
Phone: (518) 485-7675
Website: <http://criminaljustice.state.ny.us>

New York State Division of Parole – to get your certificates from the parole board

97 Central Ave.
Albany, NY 12206
Phone: (518) 474-2121
Website: <http://parole.state.ny.us>

FAMILY & MEDICAL LEAVE ACT

U.S. Department of Labor – Employment Standards Administration (Wage & Hour Division)

100 South Clinton St., FOB Room 1373
Syracuse, NY 13260
Phone: 1-866-487-9243
Website: <http://www.dol.gov/esa/whd/>

FARM WORKERS

New York State Department of Labor Farm Workers Hotline – to report a problem

Phone: 1-800-848-4949

New York State Division of Labor Standards

State Office Building
44 Hawley St., 9th Floor
Binghamton, NY 13901
Phone: (607) 721-8014
Fax: (607) 721-8013
Website: http://www.labor.state.ny.us/workerprotection/wp_index.shtm

U.S. Department of Labor – Employment Standards Administration (Wage & Hour Division)

100 South Clinton St., FOB Room 1373
Syracuse, NY 13260
Phone: 1-866-487-9243
Website: <http://www.dol.gov/esa/whd/>

FILING FOR DISABILITY

New York State Office of Temporary & Disability Assistance – to get basic info on disability

40 North Pearl St.
Albany, NY 12243
Website: http://www.otda.state.ny.us/ddd/claimant/ddd_claimant.htm (for information on filing for disability or disability claims)

Social Security Administration – to file for disability or get info about a disability claim

Federal Building, 4th Floor
100 South Clinton St.
Syracuse, NY 13261
Phone: 1-800-772-1213
Website: <http://www.ssa.gov/onlineservices>

FINANCIAL HELP/PLANNING

Consumer Credit Counseling Service of Central New York

500 S. Salina St., Suite 600
Syracuse, NY 13202
Phone: 1-800-479-6026
Fax: (315) 234-3629
Website: <http://www.cccscny.org>

Cornell Cooperative Extension – to get help with financial planning and management

Cortland County Office
60 Central Ave.
Cortland, NY 13045
Phone: (607) 753-5077
Website: http://www.cce.cornell.edu/financial_management

FOOD

Food Bank of Central New York

6970 Schuyler Rd.

East Syracuse, NY 13057

Phone: (315) 437-1899

Fax: (315) 434-9629

Website: <http://www.foodbankcny.org>

Website: <http://www.foodstampshelp.org> - to get help with food stamps

Loaves and Fishes

Grace Episcopal Church

13 Court St.

Cortland, NY 13045

Lunches: Monday, Tuesday, and Thursday from noon to 1 PM

Bag lunches: Saturday from 11:30 AM to noon

Dinners: Wednesday and Friday from 4:30 PM to 6 PM

New York State Office of Temporary & Disability Assistance – to apply for food stamps

40 North Pearl St.

Albany, NY 12243

Phone: 1-800-342-3009 (for food stamps)

GOVERNMENT BENEFITS

Government Benefits – to find out if you are eligible and to apply for government benefits

Website: <http://www.govbenefits.gov>

Issues covered: child care/support, disaster relief, education/training, food, healthcare/living assistance, Medicare/Medicaid, etc.

HEALTH & SAFETY

Occupational Safety and Health Administration – to report a problem

3300 Vickery Rd.

North Syracuse, NY 13212

Phone: (315) 471-0808

Phone: 1-800-321-6742 – to report immediate danger. Call and tell them where you are working, what the problem is, and your name and phone number.

Website: <http://www.osha.gov>

New York State Division of Labor Standards

State Office Building

44 Hawley St., 9th Floor

Binghamton, NY 13901

Phone: (607) 721-8014

Fax: (607) 721-8013

Website: http://www.labor.state.ny.us/workerprotection/wp_index.shtml

IMMIGRATION – WORK-RELATED QUESTIONS

U.S. Department of Labor – Employment Standards Administration (Wage & Hour Division)

100 South Clinton St., FOB Room 1373

Syracuse, NY 13260

Phone: 1-866-487-9243

Website: <http://www.dol.gov/esa/whd/>

LEGAL AID

Cornell Legal Aid Clinic

Myron Taylor Hall, Cornell University

Ithaca, NY 14853

Phone: (607) 255-4196

Website: <http://www.lawschool.cornell.edu>

MENTAL HEALTH SERVICES

Cortland County Mental Health Services

7 Clayton Ave.

Cortland, NY 13045

Phone: (607) 758-6100

Fax: (607) 758-6116

ONE-STOP CAREER CENTERS

Cortland Works Career Center

99 Main St.

Cortland, NY 13045

Phone: (607) 756-7585

Fax: (607) 756-5531

Website: <http://www.workforcenewyork.org/cortlandworks/cortlandhome.asp>

Tompkins Workforce New York Career Center

Center Ithaca, Suite 241

171 E. State St.

Ithaca, NY 14850

Phone: (607) 272-7570

Fax: (607) 273-0568

Website: <http://www.tompkinsworkforceny.org>

PERSONAL RIGHTS

National Work Rights Institute

166 Wall St.

Princeton, NJ 08540

Phone: (609) 683-0313

Website: <http://www.workrights.org>

New York Civil Liberties Union, Central New York Chapter

753 James St., Suite 8
Syracuse, NY 13203
Phone: (315) 471-2821
Fax: (315) 471-1077
Website: <http://www.nyclu.org>

Privacy Rights Clearinghouse

3100 5th Ave., Suite B
San Diego, CA 92103
Phone: (619) 298-3396
Website: <http://www.privacyrights.org>

SEXUAL HARASSMENT

Equal Employment Opportunity Commission – to report a problem

6 Fountain Plaza, Suite 350
Buffalo, NY 14202
Phone: 1-800-669-4000 (toll-free)
Fax: (716) 551-4387
Website: <http://www.eeoc.gov>

New York State Division of Human Rights – to report a problem

State Office Building
44 Hawley St., Room 603
Binghamton, NY 13901
Phone: (607) 721-8467
Fax: (607) 721-8470
Website: <http://www.nysdhr.com>

SOCIAL SECURITY ISSUES

Social Security Administration

Federal Building, 4th Floor
100 South Clinton St.
Syracuse, NY 13261
Phone: 1-800-772-1213
Website: <http://www.ssa.gov/onlineservices>

STARTING YOUR OWN BUSINESS

New York State Banking Department Hotline – for information on getting money for your business

Phone: 1-800-832-1838 (toll free)

New York State Department of State – Division of Corporations

162 Washington Ave.
Albany, NY 12231
Phone: (518) 473-2492

Website: <http://www.dos.state.ny.us>

TEMPORARY ASSISTANCE/WELFARE

New York State Office of Temporary & Disability Assistance

40 North Pearl St.

Albany, NY 12243

Phone: 1-800-846-0773 (for child support enforcement)

Phone: 1-800-342-3009 (for food stamps)

Website: <http://www.otda.state.ny.us/>

TERMINATION – GETTING FIRED

New York State Division of Labor Standards

State Office Building

44 Hawley St., 9th Floor

Binghamton, NY 13901

Phone: (607) 721-8014

Fax: (607) 721-8013

Website: http://www.labor.state.ny.us/workerprotection/wp_index.shtm

New York State Division of Human Rights – to report being fired because of discrimination

State Office Building

44 Hawley St., Room 603

Binghamton, NY 13901

Phone: (607) 721-8467

Fax: (607) 721-8470

Website: <http://www.nysdhr.com>

UNEMPLOYMENT BENEFITS

New York State Department of Labor – Unemployment Insurance Benefits

Phone: 1-888-209-8124 (to file a claim or get information on a previously filed claim)

Phone: 1-877-221-1634 (to report problems/ask questions about a Direct Payment Card)

Website: <https://ui.labor.state.ny.us/UBC/home.do> (to apply for benefits online)

Website: http://www.labor.state.ny.us/ui/ui_index.shtm (for general information)

UNIONS

Central New York Area Labor Federation – to find out about how to start or join a union

404 Oak St., Lower Level

Syracuse, NY 13203

Phone: (315) 422-3363

Website: <http://www.cnylabor.org>

National Labor Relations Board – to report a problem

Niagara Center Building

130 S. Elmwood Ave., Suite 630

Buffalo, NY 14202

Phone: (716) 551-4931 (local office)

Phone: 1-866-667-6572 (toll free information and referral line)

Website: <http://www.nlr.gov>

VETERANS' BENEFITS

New York State Division of Veterans' Affairs

1104 Commons Ave.

Cortland, NY 13045

Phone: (607) 662-1517 - available Wednesdays only

Website: <http://www.veterans.state.ny.us>

Cortland County Veterans Service Agency

60 Central Ave., Box 5590

Cortland, NY 13045

Phone: (607) 753-5014

Fax: (607) 758-5563

WAGES & HOURS – FEDERAL

U.S. Department of Labor – Employment Standards Administration (Wage & Hour Division)

100 South Clinton St., FOB Room 1373

Syracuse, NY 13260

Phone: 1-866-487-9243

Website: <http://www.dol.gov/esa/whd/>

WAGES & HOURS – STATE

New York State Division of Labor Standards

State Office Building

44 Hawley St., 9th Floor

Binghamton, NY 13901

Phone: (607) 721-8014

Fax: (607) 721-8013

Website: http://www.labor.state.ny.us/workerprotection/wp_index.shtm

WORKERS' COMPENSATION

New York Advocate for Injured Workers

20 Park St.

Albany, NY 12207

Phone: 1-800-580-6665 (toll free)

New York State Workers' Compensation Board – if you were hurt on the job

State Office Building

44 Hawley St.

Binghamton, NY 13901

Phone: 1-866-802-3604

Fax: (607) 721-8464

Website: <http://www.wcb.state.ny.us/index.htm>

WORKERS' RIGHTS CENTERS

Cortland Workers' Rights Board – to get advice and support

26 Court St.

Cortland, NY 13045

Phone: (607) 756-5582 (By appointment only – call and leave a message)

Tompkins County Workers' Center – to get advice and support

115 The Commons

Ithaca, NY 14850

Phone: (607) 269-0409

Website: <http://www.tclivingwage.org>

YOUNG WORKERS

New York State Division of Labor Standards

State Office Building

44 Hawley St., 9th Floor

Binghamton, NY 13901

Phone: (607) 721-8014

Fax: (607) 721-8013

Website: http://www.labor.state.ny.us/workerprotection/wp_index.shtm