

New York State Employment Laws Summary List*

1. Discrimination and Harassment

- Prohibits employment discrimination and harassment on the basis of the following protected characteristics: race, religion, creed, color, national origin, sexual orientation, military status, sex, age (18 and over), marital status, domestic violence victim status, disability, predisposing genetic characteristics, prior arrest or conviction record, gender identity or expression, familial status, and citizenship and immigration status
- Requires reasonable accommodations for disabilities, pregnancy-related condition and religious observance needs
- Requires sexual harassment prevention policy and training
- Prohibits requesting or requiring genetic information or testing
- Prohibits retaliation
- Agency: New York State Division of Human Rights, <https://dhr.ny.gov/complaint>

2. Wages, Hours and Payment

- Entitles employees to a minimum wage \$14.20 (except NYC, Long Island, Westchester \$15)
- Provides overtime for entitled employees of 1.5 per hour after 40 hours (except Cannabis Cultivator employees – 1.5 per hour after 60 hours)
 - Entitles employees to a meal period who work a shift more than 6 hours
 - Entitles Cannabis Cultivator employees to a full 24 hour day of rest each week
- Agency: New York State Department of Labor, <https://dol.ny.gov/labor-standards-0>

3. Medical and Leave Time off

- Entitles employees to paid sick leave for off the job physical/mental illness or injury, to seek medical diagnosis, treatment, or preventative care
- Entitles employees to paid family leave to care for the employee's child, parent, parent of a spouse or domestic partner, spouse or domestic partner, grandparent, grandchild, or sibling
- Entitles employees to family leave in order to bond with a new child or address military demands
- Entitles employees to paid or unpaid safe time off for employee or family member victims of domestic violence, sexual offense or stalking
- Entitles employees to time off for jury duty
- Agency: New York State Department of Labor, <https://www.ny.gov/new-york-paid-sick-leave/new-york-paid-sick-leave>; <https://paidfamilyleave.ny.gov/employees>

4. Insurance Benefits

- Provides workers compensation for employees who are injured or become ill as a direct result of their job to paid leave, light duty and/or medical treatment
- Provides unemployment income to eligible employees who lose their jobs through no fault of their own
- Agencies: New York State Workers' Compensation Board, <http://www.wcb.ny.gov/content/main/Employers/Employers.jsp>; New York State Department of Labor, <https://dol.ny.gov/register-unemployment-insurance-0>

5. Labor Relations

- Entitles employees to organize and join unions, act in concert to protest or attempt to change working conditions and engage in collective bargaining.
- Labor Peace Agreements for all Cannabis Licensees and employees requires licensees to remain neutral when employees campaign for a union to represent them and unions to agree not to strike or boycott
- Agencies: National Labor Relations Board, <https://www.nlr.gov/about-nlr/who-we-are> (Cannabis Cultivator employees - New York State Public Relations Board, <https://perb.ny.gov/>)

6. Criminal Legal System and Records

- Prohibits employment discrimination based on a criminal record
- Requires hiring a perspective employee with a criminal record based on evaluating criteria such as job related
- NYC prohibits asking about criminal record until after a conditional offer of employment
- Agencies: New York State Division of Human Rights, <https://dhr.ny.gov/complaint>; New York State Department of Labor, <https://dol.ny.gov/individuals-who-are-justice-involved>

7. Privacy

- Prohibits threats intended to influence the political opinions or actions of workers.
- Prohibits employment discrimination on the basis of an employee's political activities, use of legal consumable products, and legal recreational activities as long as all such activities occur outside of working hours, off the worksite, and without use of work equipment
- Prohibits testing employees for cannabis or terminating an employee for testing positive for marijuana
- Requires notice to new hires who are subject to electronic monitoring and obtain their acknowledgment of the notice; and post the notice where all employees may see it
- Agency: New York State Department of Labor, <https://www.labor.ny.gov/home/>; <https://dol.ny.gov/labor-standards-0>. Perb

8. Safety

- Requires workplace safety and health standards
- Requires guidance, safety and prevention plans
- Agency: New York State Department of Labor, <https://dol.ny.gov/ny-hero-act>, <https://dol.ny.gov/workplace-safety-loss-prevention>; Occupational Safety and Health Administration, <https://www.osha.gov/>

*In addition to New York State employment laws and agencies, there are Federal and New York State Local employment laws and agencies. The local employment law information provides examples of additional employment laws and does not include all local employment laws. This summary list incorporates employment laws that only apply to Cannabis Cultivators.

The CWI resources are for employers and employees. They are only provided for general informational purposes and are not a substitute for legal advice.