



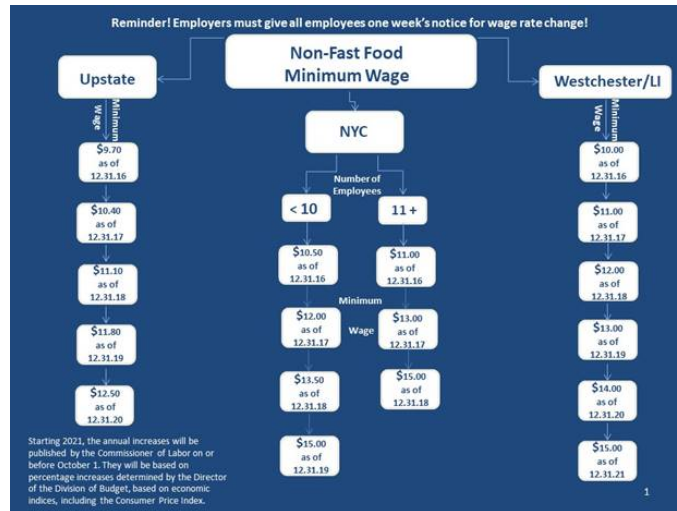
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## Laws and Regulations Affecting Businesses in 2018

*Courtesy of The Vandervort Group*

### 2018 Minimum Wage Increases

Review the chart below to be sure you are compliant with the 2018 Minimum Wage increases. For more information on both Fast Food and Non-Fast Food Minimum Wage rates, visit the NYS Department of Labor website: <https://labor.ny.gov/minimum-wage-lookup/>



### Paid Family Leave

Paid Family Leave takes effect on January 1, 2018. The New York State Workers' Compensation Board recently released a Statement of Rights for Paid Family Leave (PFL-271S) which is available on the State's [Paid Family Leave website](#) in the "Paid Family Leave Forms" section. The notice may be used for updating your employee handbook and as a poster to notify employees of their rights under the law.

#### Forms:

The general application form (PFL-1) will be required for each type of leave. In addition:

- To apply for PFL to bond with a newborn or a newly adopted or fostered child, employees will use PFL-1 form and PFL-2.
- To apply for PFL to care for a family member with a serious health condition, employees will use the PFL-1 form, as well as PFL-3 (a release of personal health information form) and PFL-4 (a health care provider certification form).
- To apply for PFL for a qualifying military exigency employees will use the PFL-1 form and PFL-5 (a form to certify the military qualifying event).
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### Employee Scheduling Regulations (Upstate)

*The New York State Turfgrass Association has issued a call to action concerning the New York State Department of Labor Call-in Pay Regulation Proposal. Comment deadline is January 6, 2018 [click here](#) to contact the NYS Department of Labor today!*

On November 22nd the NYS Department of Labor published [proposed regulations](#) in the NYS Register regarding the practices of "on-call" and "call-in" scheduling to revise the call-in pay requirement of the Minimum Wage Order for Miscellaneous Industries and Occupations ([12 NYCRR Part 142](#)). Comments are being accepted on the proposed regulations until January 6, 2018. In brief, these rules would:

- Continue the current call-in pay practice of paying a minimum of four hours pay for employees who report to work and for whom no work is available.
- Require that employers pay workers who come to work for a shift not scheduled at least 14 days in advance an additional 2 hours of call-in pay
- Require employers to pay workers who have a shift cancelled less than 72 hours prior to the start of that shift an additional 4 hours of call-in pay
- Require employers who ask workers to call within 72 hours of the start of the shift to confirm whether to report to work or not to pay an additional 4 hours of call-in pay

Call-in pay will be calculated at the basic minimum wage for your area and employer size. It is not considered hours worked for the purpose of calculating overtime.

There are some exceptions, including:

- Employees during work weeks when their weekly wages exceed 40 times the applicable minimum wage
- Employees covered by a collective bargaining agreement that expressly provides for call-in pay
- New employees during their first two weeks of employment
- Regularly scheduled employees who "volunteer to cover" for a shift scheduled to be worked by another employer
- Certain provisions for shifts cancelled due to an act of God

### ***NYC Update on Predictive Scheduling***

Several laws passed by the City Council and signed by the Mayor earlier in the year have become effective for employers. The laws are put in place to curb the practice of "on-call" scheduling (when an employer requires an employee to be available to work, to contact the employer or to wait to be contacted by the employer, to determine whether the employee must report to work). The Mayor and City Council believes this practice is a burden on employees as they make financial, travel and child care plans.

These laws, many of which affect fast food workers, became effective 11/26/2017 are:

[1387-2016-A](#) bans the practice of "on-call scheduling" for certain retail employees, unless the business has to close for reasons specified in the bill.

[1388-2016-A](#) bans "clopenings" for fast food employees with fewer than 11 hours in between shifts. An employer would have to pay \$100 to an employee who voluntarily works such shifts.

"Clopenings" are when an employee is required to work back-to-back shifts involving closing and opening the establishment.

[1395-2016-A](#) requires fast food employers with available work hours to offer shifts to existing employees before hiring new employees. The City believes employers often fail to offer existing employees a path toward gaining additional hours and eventual full-time employment by hiring additional part-time employees to fill scheduling gaps.

[1396-2016-A](#) requires fast food employers to provide employees with an estimate of their work schedule upon hire, to provide a work schedule 14 days in advance (including regular and on-call shifts), to post the work schedule in a conspicuous place accessible to all employees, and to pay employees a premium for certain changes to the work schedule that occur fewer than 14 days before the shift. These premiums range from \$10 for a notice

of change with less than 14 but more than 7 days' notice; to \$75 for a change with less than 24 hours' notice. [1384-2016-A](#) creates a mechanism for fast food workers to make contributions from their salaries to not-for-profits of their choice via payroll deductions and would require employers to deduct and remit such donations to such not-for-profits. Labor organizations would not be eligible to receive donations.

***Inquiries of Salary History:***

In addition, on October 31, 2017 Mayor DeBlasio signed into law [1253-2016](#) that would prohibit employers from inquiring about a prospective employee's salary history during all stages of the employment process.