

# Don't Get Caught in the Labor Law Compliance Gap...Posters Are Not the Only Employee Notifications Required



Presented by:  
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## What Are Mandatory Employee Handouts?

- Employee handouts are legal notifications that must be personally distributed to employees, covering topics such as family and medical leave, workers' compensation, sexual harassment in the workplace and more
- Some employee handouts are event-oriented; others must be given to all employees when hired and redistributed regularly
- These requirements are separate and apart from labor law posting compliance, though many of the topics addressed are covered by both postings and handouts (the underlying employment laws may require both, or one or the other)

## How Are They Similar to Labor Law Posters?

- Employee handouts are mandatory legal notices informing employees of their rights
- They vary by state (up to 20 per state, plus up to 14 federal)
- Recent surge in local requirements
- Government agencies add/update requirements frequently, without notifying businesses
- There is no one-stop shop for free notices from the government
- There are significant fines, penalties and legal exposure for non-compliance

## There's No "One-Stop Shop" for Free Mandatory Employee Handouts

- Across the nation, there are more than 400 different federal/state notices that employers must distribute based on different triggering events
- In a single state, up to 34 employee notices (issued by up to 5 different agencies) required for federal/state compliance
- Each state/local jurisdiction has authority to issue its own employee notification requirements
- Employers are required to create many of the handouts on their own based on legal guidelines (where no samples are provided)

## Risks of Non-Compliance

- Federal penalties
  - ✓ Up to \$21,410 per violation
  - ✓ Daily penalties for late notices up to \$110-\$500 per day
- State/Local Penalties
  - ✓ State and local fines typically range from \$100 to \$500 per violation
- Adverse Impact in Employee Lawsuits
  - ✓ Statute of limitations may be extended
  - ✓ Evidence of “bad faith”
  - ✓ Liability/damages if failure to notify results in loss or harm

## Recent Changes to Handout Requirements (effective 3/12/20)

- Arizona
- Baltimore, MD
- Belmont, CA
- California
- Chicago, IL
- Colorado
- Connecticut
- Cook County, IL
- Dallas, TX
- Daly City, CA
- Delaware
- Denver, CO
- District of Columbia
- Duluth, MN
- Emeryville, CA
- Flagstaff, AZ
- Florida
- Georgia
- Illinois
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minneapolis, MN
- Minnesota
- Missouri
- Nevada
- New Jersey
- New York
- New York City, NY
- Novato, CA
- Oakland, CA
- Oregon
- Pasadena, CA
- Pennsylvania
- Petaluma, PA
- Philadelphia, PA
- Pinellas County, FL
- Portland, ME
- San Francisco, CA
- San Mateo, CA
- Sonoma, CA
- South San Francisco, CA
- St. Pau, MN
- Texas
- Utah
- Vermont
- Washington
- Westchester County, NY

# Examples of Mandatory Handouts

- California: Rights of Victims of Domestic Violence, Sexual Assault and Stalking Notice
- Effective July 2017, employers with 25 or more employees must provide this notice
- Must be provided at time of hire and upon employee request
- Informs employees of their right to take protected time off if a victim of domestic violence, sexual assault or stalking

The Labor Commissioner's Office

**EMPLOYERS MUST PROVIDE THIS INFORMATION TO NEW WORKERS  
WHEN HIRED AND TO OTHER WORKERS WHO ASK FOR IT**

**RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE,  
SEXUAL ASSAULT AND STALKING**

**Your Right to Take Time Off:**

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer before, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, court order or doctor's or counselor's note or similar document.

**Your Right to Reasonable Accommodation:**

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

**Your Right to Be Free from Retaliation and Discrimination:**

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

**You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.**

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6900, or you can find a local office on our website: [www.dir.ca.gov/Offices/Offices.htm](http://www.dir.ca.gov/Offices/Offices.htm). If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.

Labor Commissioner's Office Victims of Domestic Violence, Sexual Assault and Stalking Notice 5/2017

# Examples of Mandatory Handouts

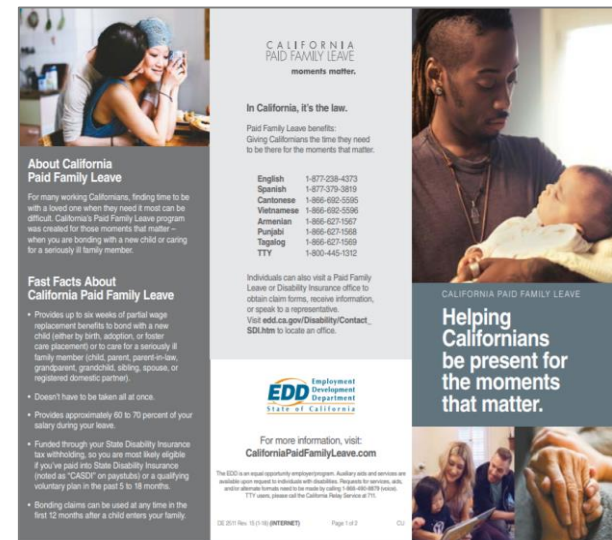
- California: Sexual Harassment Notice
- All employers must provide this notice
- Informs employees of their rights to a harassment-free workplace and explains the legal remedies and complaint process available through the California Department of Fair Employment and Housing
- Must distribute to all employees at time of hire or in pay envelope
- Mandatory update December 2019





# Examples of Mandatory Handouts

- California: Paid Family Leave Notice
- Employers subject to the state's Paid Family Leave Program must provide this notice
- Informs employees of their rights to paid family leave benefits
- Must be provided to employees at time of hire and to employees requesting leave to care for a seriously ill family member or to bond with a new child
- Mandatory update January 2020



# Examples of Mandatory Handouts

- California: Family Care and Medical Leave and Pregnancy Disability Leave Notice
- Employers with 20 or more employees must provide this notice
- Must be provided to an employee who notifies the employer of a pregnancy or condition related to the employee's pregnancy
- Mandatory update December 2019



**FAMILY CARE & MEDICAL LEAVE & PREGNANCY DISABILITY LEAVE**

**DFEH**  
THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

**Under the California Family Rights Act of 1993 you may have a right to a family care or medical leave for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. California law also prohibits employers from denying or interfering with requests for Pregnancy Disability Leave.**

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, and I am an employer with 50 or more employees at your worksite or within 75 miles of your worksite, you may have a right to a family care or medical leave (FCML) leave. This leave may be up to 12 weeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. If I am an employer with 50 or more employees at your worksite or within 75 miles of your worksite, you may have a right to a family care leave for the birth, adoption, or foster care placement of your child under the new Parent Leave Act (PLA). Similar to CFRA leave, the PLA leave may be up to 12 weeks in a 12-month period. While the law previously required employees to choose to use accrued paid leave when taking CFRA leave under certain circumstances, employees may now choose to use accrued paid leave while taking PLA leave.

Even if you are not eligible for CFRA or PLA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA or PLA eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA or PLA leave for reasons of the birth of your child. Both leaves contain a guarantee of reinstatement for pregnancy disability it is to the same position and for CFRA or PLA it is to the same or a comparable position, at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, denial of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your child, parent or spouse, who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care. Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact DFEH.

To schedule an appointment, contact the Communication Center below.


If you have a disability that requires a reasonable accommodation, the DFEH can assist you by arranging your cruise by phone or for individuals who are deaf or hard of hearing or have speech disabilities, through the California Relay Service (711) or you can contact us below.

**CONTACT US**  
Toll Free: (800) 884-5884  
TTY: (800) 700-2320  
contact.center@dfeh.ca.gov  
www.dfeh.ca.gov

DFEH-08-0016, December 2019

# Examples of Mandatory Handouts

- Washington: Paid Family and Medical Leave Notice
- Employers subject to the state's Paid Family and Medical Leave Program must provide this notice
- Informs employees of their rights to paid family and medical leave benefits
- New handout effective January 1, 2020



Employment Security Department

### Employer requirement to provide notice to employees

Employers with employees working in Washington state must provide the following notice to employees who may be eligible for Paid Family and Medical Leave the later of:

- Five business days after an employee's seventh consecutive day of absence due to family or medical leave, or
- Five business days after an employer becomes aware that the employee's absence is due to family or medical leave.

### Paid Family and Medical Leave

#### Statement of Employee Rights

**You may qualify for Paid Family and Medical Leave**  
 As of Jan. 1, 2020, Washington employees who have worked 820 hours or more in the qualifying period and experience(d) a qualifying event have access to Paid Family and Medical Leave.

Employees who have missed work due to family or medical reasons may be eligible for paid family or medical leave for the following qualifications:

- Care for and bond with a child younger than 18 following birth or placement
- Care for yourself or a family member experiencing a serious health condition
- Certain military-connected events.

Paid Family and Medical Leave requires that you give your employer(s) written notice at least 30 days in advance of when you plan to take leave. However, if the reason you need leave was not foreseeable, you may notify your employer(s) as soon as possible.

The Paid Family and Medical Leave Benefit Guide provides information on how to apply for benefits and submit weekly claims. It also explains your rights and responsibilities under the law. Download the guide at [www.paidleave.wa.gov/benefit-guide](http://www.paidleave.wa.gov/benefit-guide).

For more information about how to apply, contact us at 833-717-2273 or visit [www.paidleave.wa.gov](http://www.paidleave.wa.gov).

**Important information for when you apply**

Employer UBI #:


This employer offers supplemental benefits: Y  N

Notes Except during the waiting week, employees cannot use employer provided paid time off at the same time as Paid Family and Medical Leave, unless the employer chooses to offer a "supplemental benefit." Supplemental benefits can be used along with Paid Family and Medical Leave to provide additional pay while an employee receives partial wage replacement through Paid Leave benefits. Employees may accept or reject supplemental benefit payments.

EMPLOYER NOTICE TO EMPLOYEE  
UPDATED NOVEMBER 2019
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# Examples of Mandatory Handouts

- Colorado: Overtime and Minimum Wage Standards Notice (COMPS Order 36)
- Every employer who publishes or distributes any handbook, manual, or policies must include this notice in their handbook, manual or policies
- Must be provided upon request
- Must also be posted in the workplace
- New handout effective March 16, 2020



**COLORADO**  
Department of  
Labor and Employment

**COMPS Order #36 Poster**  
Colorado Overtime and Minimum Pay Standards Order  
Division of Labor Standards & Statistics

Effective March 16, 2020

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**Colorado Minimum Wage: \$12.00 per hour, or \$8.98 for Tipped Employees, effective 1/1/2020.**

- The minimum wage adjusts annually by inflation; next year's COMPS Order and Poster will provide the 2021 minimum wage.
- The minimum wage applies to all adults and emancipated minors, whether paid hourly or on other basis (salary, commission, piecework, etc.), unless exempted by COMPS Order Rule 2. Unemancipated minors may be paid 15% below the minimum.
- The federal minimum wage (\$7.25) and any local minimum wages (including \$12.15 in Denver as of 1/1/20) may also apply. If work is covered by multiple minimum or overtime wage rules, the rule with the higher wage or standard applies.
- Hours in two or more weeks cannot be averaged in computing overtime.
- Employers may not provide time off (often called "comp time") instead of time-and-a-half premium pay for overtime hours.

**Overtime: 1½ times the regular pay rate for hours over 40 weekly, 12 daily, or 12 consecutive.**

- Hours in two or more weeks cannot be averaged in computing overtime.
- Employers may not provide time off (often called "comp time") instead of time-and-a-half premium pay for overtime hours.

**Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours.**

- Employers must be completely relieved of all duties, and allowed to pursue personal activities, for meal periods to be unpaid.
- If work makes uninterrupted meal periods impractical, eating an on-duty meal must be permitted, and the time must be paid.
- In the event practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts.

**Rest Periods: 10 minutes, paid, every 4 hours.**

Work Hours	Up to 2	>2, up to 4	>4, up to 6	>6, up to 8	>8, up to 10	>10, up to 12	>12, up to 14	>14, up to 16	>16, up to 18	>18, up to 20	>20
Rest Periods	0	1	2	3	4	5	6	7	8	9	10

- Rest periods must be off-duty but must not include work that should be in the middle of the hours in the exempt period.
- Two 5-minute rest periods, instead of one 10-minute, are permitted if employees and employers agree voluntarily and without coercion, and if 5 minutes is enough to go back and forth to a bathroom or other place where a genuine break would be taken. Additional flexibility with 5-minute periods applies to agriculture, medical home care, and collectively bargained work.
- Employers that do not authorize and permit rest periods must pay extra for the work time that would have been rest periods.

**Time Worked: Time employers allow performance of labor/services for their benefit must be paid.**

- All time employees, on duty, or at prescribed workplaces that is just letting off-duty employees be on premises, including:
  - putting on or removing work clothes/gear that are not clothes worn outside work, cleanup/wrap, or other off-the-clock duty.
  - awaiting assignments at work, or receiving or sharing work-related information; or
  - security/safety screening, checking/checking in or out; or
  - waiting for any of the above tasks.
- Travel for employer benefit is time worked, normal home/work travel is not.
- For more on travel time and sleep time, see Rule 1.9.2.

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**Deductions, Credits, & Charges from Wages: Subject to limits in C.R.S. 8-4-105 and below.**

- Tip credits of up to \$3.02 per hour (lowering minimum wages to \$8.98) are allowed for those regularly, customarily receiving over \$30 per month in tips. If hourly pay plus tips is below the full minimum wage, the employer must pay the difference.
- Meal credits are allowed for the cost or value (whichever employer prefers) of a voluntarily accepted meal.
- Lodging deductions are allowed only if housing is voluntarily accepted by the employee, primarily for the employer's (not employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (depending on the housing type).
- Uniforms that are ordinary clothes, without special material or design, need not be provided; other uniforms must be provided at no cost. Employers may pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear.

**Exemptions from the COMPS Order: All listed in Rule 2; key exemptions listed below.**

Salary threshold (7.5x)	2018	2019	2020	2021	2022	2023	2024	Each Year After 2024
Equal to at least minimum wage for all hours	\$35,568	\$40,500	\$45,000	\$50,000	\$55,000	\$60,000	\$65,000	10% inflation-adjusted

- Executives/supervisors, decision-making administrative employees, and professionals (Rule 2.2-3) paid the exempt salary.
- 20% owners, or at a nonprofit the highest-paid highest-earned employees, if actively engaged in management (2.2.5).
- Highly technical computer-related employees (defined in 2.2.10), if paid at least \$27.63 per hour.
- Various on-residence workers, including property managers, range workers, and campsite/visitor education field staff (2.2.7).
- Various, but not all, types of subcontractors (2.2.4, 2.2.4.1, 2.2.4.2) and transportation workers (2.2.8).
- Certain medical transportation and hospital/healthcare employees have modified overtime rules (2.4.4, 2.4.5).
- Domestic kitchen/based employees, including on-residence food but not lodging, are exempt from 40-hour overtime (2.4.3).
- Agriculture jobs are exempt from overtime and meal periods, and have more flexibility as to rest periods (2.3).

**Complaint & Anti-Retaliation Rights.**

- The Division of Labor Standards and Statistics contacts info at the top of this Poster accepts complaints for unpaid minimum or overtime wages required by federal, state, or local law. Alternatively, employees may file lawsuits in court.
- Parties liable for unpaid wages include the employer as an entity, and individuals with operational control over the entity.
- Employers cannot retaliate by threatening, covering, or discriminating for purposes of reprisal, interference, or obstruction, as to actual or anticipated wage investigations, hearings, complaints, or proceedings.
- Violations of wage or anti-retaliation provisions may be reported to the Division as complaints or as anonymous tips.

**Posting & Translation of COMPS Order Poster.**

- Posting: Employees must display this Poster where employees can easily read it during the workday. If physical posting is impractical, employers must provide copies of this Poster or the COMPS Order to each employee in the first month of work.
- Distribution: Employees must provide this Poster upon request, and include a copy with any written handbook or policies.
- Translation: If employees have limited English language ability and speak Spanish, employees must post this Poster in Spanish. If employees speak a language other than Spanish, the employer must ask the Division for a Poster in that language.

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This Poster summarizes key wage rules in the COMPS Order, but not all, and should not be relied upon as complete information on wage rules.  
For the full COMPS Order and other wage law information, or with wage law questions, contact:  
Division of Labor Standards and Statistics, coloradolabor.gov, cde\_labor\_standards@state.co.us, 303-318-8441 / 888-398-7936.

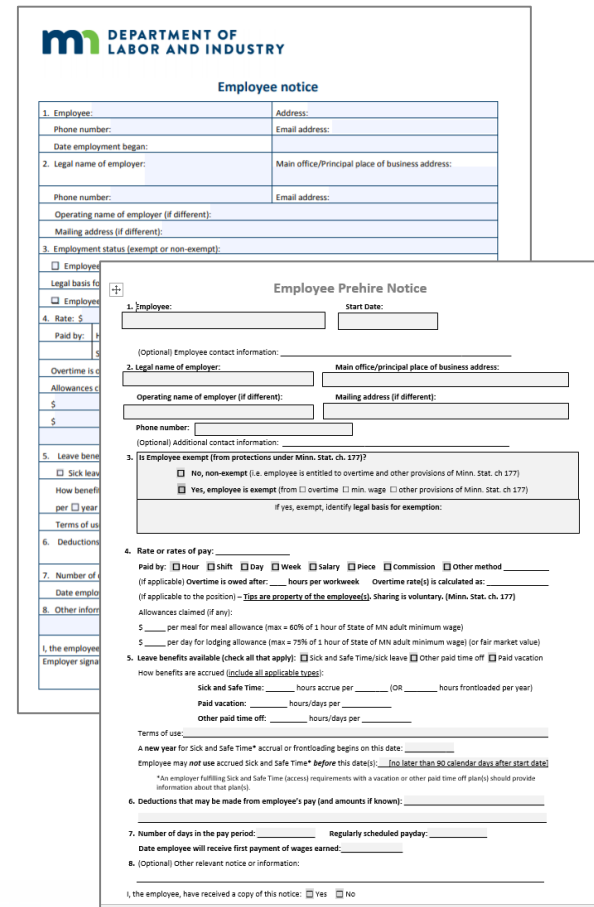
# Examples of Mandatory Handouts

- Minnesota: Wage Theft Notice

- Effective July 1, 2019, employers must provide this notice to new employees at time of hire
- Employers must keep a copy of the notice signed by each employee

- Minneapolis, Minnesota: Wage Theft Notice

- Effective January 1, 2020, employers must provide this notice to new employees at time of hire
- Employers must keep a copy of the notice signed by each employee
- Poster must also be displayed in the workplace



**DEPARTMENT OF LABOR AND INDUSTRY**

**Employee notice**

1. Employee: \_\_\_\_\_ Address: \_\_\_\_\_  
 Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_  
 Date employment began: \_\_\_\_\_

2. Legal name of employer: \_\_\_\_\_ Main office/Principal place of business address: \_\_\_\_\_  
 Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_  
 Operating name of employer (if different): \_\_\_\_\_  
 Mailing address (if different): \_\_\_\_\_

3. Employment status (exempt or non-exempt):  
 Employee  
 Legal basis for exemption: \_\_\_\_\_  
 Employee

4. Rate: \$ \_\_\_\_\_  
 Paid by: \_\_\_\_\_  
 Overtime is calculated as: \_\_\_\_\_  
 Allowances claimed (if any):  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_

5. Leave benefits available (check all that apply):  
 Sick leave  
 Paid vacation  
 How benefits are accrued (check all that apply):  
 Terms of use: \_\_\_\_\_

6. Deductions that may be made from employee's pay (and amounts if known): \_\_\_\_\_

7. Number of days in the pay period: \_\_\_\_\_ Regularly scheduled payday: \_\_\_\_\_  
 Date employee will receive first payment of wages earned: \_\_\_\_\_

8. (Optional) Other relevant notice or information: \_\_\_\_\_

I, the employee, have received a copy of this notice:  Yes  No

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**Employee Prehire Notice**

1. Employee: \_\_\_\_\_ Start Date: \_\_\_\_\_

(Optional) Employee contact information: \_\_\_\_\_

2. Legal name of employer: \_\_\_\_\_ Main office/principal place of business address: \_\_\_\_\_  
 Operating name of employer (if different): \_\_\_\_\_ Mailing address (if different): \_\_\_\_\_  
 Phone number: \_\_\_\_\_  
 (Optional) Additional contact information: \_\_\_\_\_

3. Is Employee exempt (from protections under Minn. Stat. ch. 177)?  
 No, non-exempt (i.e. employee is entitled to overtime and other provisions of Minn. Stat. ch. 177)  
 Yes, employee is exempt (from  overtime  min. wage  other provisions of Minn. Stat. ch. 177)  
 if yes, exempt, identify legal basis for exemption: \_\_\_\_\_

4. Rate or rates of pay: \_\_\_\_\_  
 Paid by:  Hour  Shift  Day  Week  Salary  Piece  Commission  Other method \_\_\_\_\_  
 (if applicable) Overtime is owed after: \_\_\_\_\_ hours per workweek Overtime rate(s) is calculated as: \_\_\_\_\_  
 (if applicable to the position) - Tips are property of the employee(s). Sharing is voluntary. (Minn. Stat. ch. 177)

Allowances claimed (if any):  
 \$ \_\_\_\_\_ per meal for meal allowance (max = 60% of 1 hour of State of MN adult minimum wage)  
 \$ \_\_\_\_\_ per day for lodging allowance (max = 75% of 1 hour of State of MN adult minimum wage) (or fair market value)

5. Leave benefits available (check all that apply):  Sick and Safe Time/sick leave  Other paid time off  Paid vacation  
 How benefits are accrued (check all that apply):  
 Sick and Safe Time\*: \_\_\_\_\_ hours accrue per \_\_\_\_\_ (OR \_\_\_\_\_ hours frontloaded per year)  
 Paid vacation: \_\_\_\_\_ hours/days per \_\_\_\_\_  
 Other paid time off: \_\_\_\_\_ hours/days per \_\_\_\_\_

Terms of use: \_\_\_\_\_  
 A new year for Sick and Safe Time\* accrual or frontloading begins on this date: \_\_\_\_\_  
 Employee may not use accrued Sick and Safe Time\* before this date(s): \_\_\_\_\_ (no later than 90 calendar days after start date)  
 \*An employer fulfilling Sick and Safe Time (accrual) requirements with a vacation or other paid time off plan(s) should provide information about that plan(s).

6. Deductions that may be made from employee's pay (and amounts if known): \_\_\_\_\_

7. Number of days in the pay period: \_\_\_\_\_ Regularly scheduled payday: \_\_\_\_\_  
 Date employee will receive first payment of wages earned: \_\_\_\_\_

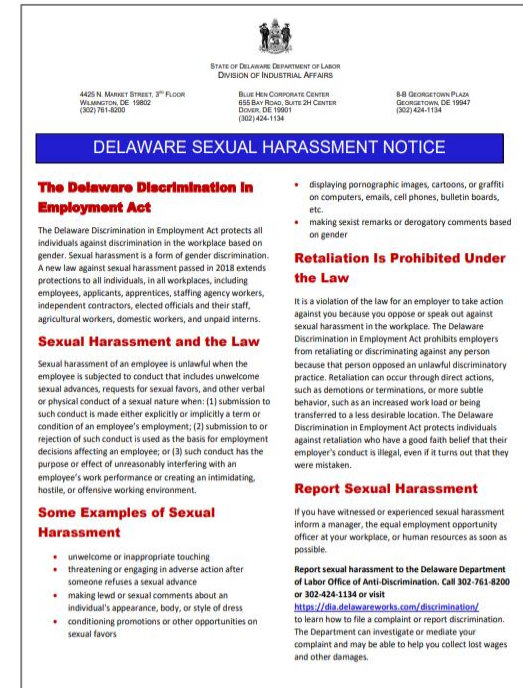
8. (Optional) Other relevant notice or information: \_\_\_\_\_

I, the employee, have received a copy of this notice:  Yes  No



# Examples of Mandatory Handouts

- Delaware: Sexual Harassment Notice
- Effective January 1, 2019, employers with 4 or more employees must provide this notice to new employees at time of hire and to existing employees by July 1, 2019
- Informs employees of their rights to a harassment-free workplace, lists examples of sexual harassment and explains the complaint process available through the Delaware Department of Labor, Office of Anti-Discrimination



# Examples of Mandatory Handouts

- Massachusetts: Rights and Obligations Under the Massachusetts Family and Medical Leave Law
- Informs employees of their paid leave benefits, contribution rates and more
- By September 30, 2019, employers had to provide this notice to all existing employees
- Beginning October 1, 2019, it must be given to new employees within 30 days of hire

**Employer Notice to Employee**  
Rights and Obligations under the Massachusetts Family and Medical Leave Law, M.G.L. c. 175M

\_\_\_\_\_  
(Employer Name)

\_\_\_\_\_  
(Employer Street Address)

\_\_\_\_\_  
(Employer City, State, Zip)

\_\_\_\_\_  
(Employer's ID Number)

**Explanation of Benefits**

- **Beginning January 1, 2021,**
  - o employees may be entitled to up to 12 weeks of paid family leave in a benefit year for the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces;
  - o employees may be entitled to up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work
  - o employees may be entitled to up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition relating to the family member's military service.
- **Beginning July 1, 2021,**
  - o employees may be entitled to up to 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition.
- Employees may be eligible for up to 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.
- An employee's weekly benefit amount will be based on the employee's earnings, with a maximum benefit of \$650 per week.

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# Examples of Mandatory Handouts

- Massachusetts: Pregnant Workers Fairness Act Notice
- Effective April 2018, employers with six or more employees must provide this notice
- Informs employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy
- Must be provided to employees at time of hire and to an employee who notifies the employer of a pregnancy or condition related to the employee's pregnancy

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

**MCAD Guidance  
PREGNANT WORKERS FAIRNESS ACT  
Issued 1/23/2018**

The Pregnant Workers Fairness Act ("the Act") amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.


**Under the Act:**

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an "interactive process," and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.



# Examples of Mandatory Handouts

- Massachusetts: Earned Sick Time Notice of Employee Rights
- Informs employees of their rights to earned sick time
- Notice must be posted and provided to all employees

<b>EARNED SICK TIME</b>	
<b>Notice of Employee Rights</b>	
<i>Beginning July 1, 2015, Massachusetts employees have the right to earn and take sick leave from work.</i>	
<b>WHO QUALIFIES?</b>	<b>WILL IT BE PAID?</b>
<p><b>All employees</b> in Massachusetts can earn sick time.</p> <p>This includes full-time, part-time, temporary, and seasonal employees.</p>	<ul style="list-style-type: none"> <li>○ If an employer has 11 or more employees, sick time must be paid.</li> <li>○ For employers with 10 or fewer employees, sick time may be unpaid.</li> <li>○ Paid sick time must be paid on the same schedule and at the same rate as regular wages.</li> </ul>
<b>HOW IS IT EARNED?</b>	<b>WHEN CAN IT BE USED?</b>
<ul style="list-style-type: none"> <li>○ Employees earn 1 hour of sick time for every 30 hours they work.</li> <li>○ Employees can earn and use up to <b>40 hours per year</b> if they work enough hours.</li> <li>○ Employees with unused earned sick time at the end of the year can <b>rollover up to 40 hours</b>.</li> <li>○ Employees <b>begin earning</b> sick time on their first day of work and <b>may begin using</b> earned sick time 90 days after starting work.</li> </ul>	<ul style="list-style-type: none"> <li>○ An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence.</li> <li>○ The smallest amount of sick time an employee can take is one hour.</li> <li>○ Sick time cannot be used as an excuse to be late for work without advance notice of a proper use.</li> <li>○ Use of sick time for other purposes is not allowed and may result in an employee being disciplined.</li> </ul>
<b>CAN AN EMPLOYER HAVE A DIFFERENT POLICY?</b>	
Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time, for the same reasons, and with the same job protections as under the Earned Sick Time Law.	
<b>RETALIATION</b>	<b>NOTICE &amp; VERIFICATION</b>
<ul style="list-style-type: none"> <li>○ Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law.</li> <li>○ Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee undesirable assignments.</li> </ul>	<ul style="list-style-type: none"> <li>○ Employees must <b>notify</b> their employer before they use sick time, except in an emergency.</li> <li>○ Employers may require employees to use a <b>reasonable notification system</b> the employer creates.</li> <li>○ If an employee is out of work for 3 consecutive days <b>OR</b> uses sick time within 2 weeks of leaving his or her job, an employer may require documentation from a medical provider.</li> </ul>
<b>DO YOU HAVE QUESTIONS?</b>	
Call the Fair Labor Division at 617-727-3465 ○ Visit <a href="http://www.mass.gov/ago/earnedsicktime">www.mass.gov/ago/earnedsicktime</a>	
<p> The Attorney General enforces the Earned Sick Time Law and regulations.</p> <p>It is unlawful to violate any provision of the Earned Sick Time Law.</p> <p>Violators of any provision of the Earned Sick Time Law, M.G.L. c. 149, § 27B, or these regulations, 948 CMR 13.00 shall be subject to paragraphs (1), (2), (4), (6), and (7) of subsection (b) of M.G.L. c. 149, § 27C(8) and to (3)(b).</p> <p><b>This notice is intended to inform.</b></p> <p>Full text of the law and regulations are available at <a href="http://www.mass.gov/governorsicktime">www.mass.gov/governorsicktime</a>.</p>	
<p>Commonwealth of Massachusetts Office of the Attorney General English - July 2016</p>	

# Examples of Mandatory Handouts

- New Jersey: Earned Sick Leave Notice
- Must be provided to employees at time of hire
- Informs employees of their rights to earned sick time
- Notice must be posted and provided to employees
- Mandatory update January 2019

**Advance Notice**  
If your need for earned sick leave is foreseeable (can be planned in advance), your employer can require up to 7 days' advance notice of your intention to use earned sick leave. If your need for earned sick leave is unforeseeable (cannot be planned in advance), your employer may require you to give notice as soon as it is practical.

**Documentation**

New Jersey Department of Labor and Workforce Development  
**New Jersey Earned Sick Leave Notice of Employee Rights**

Under New Jersey's Earned Sick Leave Law, most employees have a right to accrue up to 40 hours of earned sick leave per year. Go to [nj.gov/labor](http://nj.gov/labor) to learn which employees are covered by the law.

**New employees must receive this written notice from their employer when they begin employment, and existing employees must receive it by November 29, 2018. Employers must also post this notice in a conspicuous and accessible place at all work sites, and provide copies to employees upon request.**

**YOU HAVE A RIGHT TO EARNED SICK LEAVE.**

**Amount of Earned Sick Leave**  
Your employer must provide up to a total of 40 hours of earned sick leave every benefit year. Your employer's benefit year is: Start of Benefit Year: \_\_\_\_\_ End of Benefit Year: \_\_\_\_\_

**Rate of Accrual**  
You accrue earned sick leave at the rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours of leave per benefit year. Alternatively, your employer can provide you with 40 hours of earned sick leave up front.

**Date Accrual Begins**  
You begin to accrue earned sick leave on October 29, 2018, or on your first day of employment, whichever is later. *Exception:* If you are covered by a collective bargaining agreement that was in effect on October 29, 2018, you begin to accrue earned sick leave under this law beginning on the date that the agreement expires.

**Date Earned Sick Leave is Available for Use**  
You can begin using earned sick leave accrued under this law 120 days after you begin employment.

**Acceptable Reasons to Use Earned Sick Leave**  
You can use earned sick leave to take time off from work when:

- You need diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition, or you need preventive medical care.
- You need to care for a family member during diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition, or your family member needs preventive medical care.
- You or a family member have been the victim of domestic violence or sexual violence and need time for treatment, counseling, or to prepare for legal proceedings.
- You need to attend school-related conferences, meetings, or events regarding your child's education; or to attend a school-related meeting regarding your child's health.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.

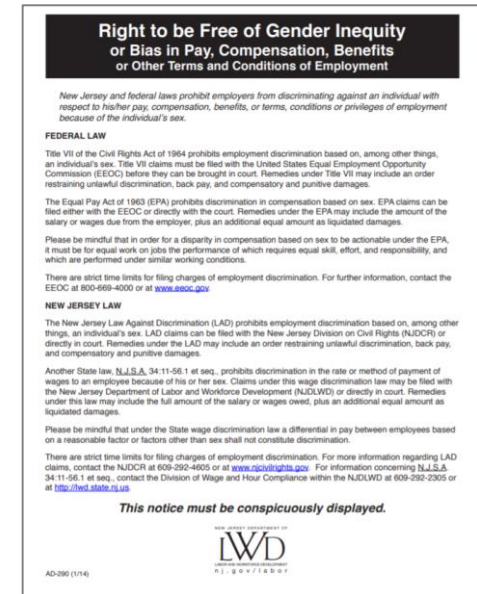
**Family Members**  
The law recognizes the following individuals as "family members:"

- Child (biological, adopted, or foster child; stepchild; legal ward; child of a domestic partner or civil union partner)
- Grandchild
- Sibling
- Spouse
- Domestic partner or civil union partner
- Parent
- Grandparent
- Spouse, domestic partner, or civil union partner of an employee's parent or grandparent
- Sibling of an employee's spouse, domestic partner, or civil union partner
- Any other individual related by blood to the employee
- Any individual whose close association with the employee is the equivalent of family

page 1 of 2

# Examples of Mandatory Handouts

- New Jersey: Gender Inequity Notice
- Notice must be provided to all new hires, to any employee upon his/her request, and to all employees annually on or before December 31 of each year
- Requires employee acknowledgement
- Employers may use any of the following delivery methods when providing the notice:
  - E-mail;
  - Print, including within a new-hire information packet; or
  - Through the internet or an intranet website if the site is for the exclusive use of all employees, can be accessed by all employees, and the employer provides notice to the employees of its location





**Acknowledgment of Receipt of Gender Equity Notification**

I received a copy of the gender equity notification on the date listed below.  
I have read it and I understand it.

Name (signature) \_\_\_\_\_ Name (print) \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

# Examples of Mandatory Handouts

- New Jersey: Conscientious Employee Protection Act Notice
- Employers with 10 or more employees must provide this notice
- Informs employees of their rights under the Conscientious Employee Protection Act (Whistleblower Act)
- Must be provided in English and Spanish
- Must be provided annually

## Conscientious Employee Protection Act

### "Whistleblower Act"

**Employer retaliatory action; protected employee actions; employee responsibilities**

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:

- a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
- b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
- c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
  - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
  - (2) is fraudulent or criminal; or
  - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment, N.J.S.A. 34:19-3.

2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

**CONTACT INFORMATION**

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):


Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

*This notice must be conspicuously displayed.*

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (800) 260-7632.

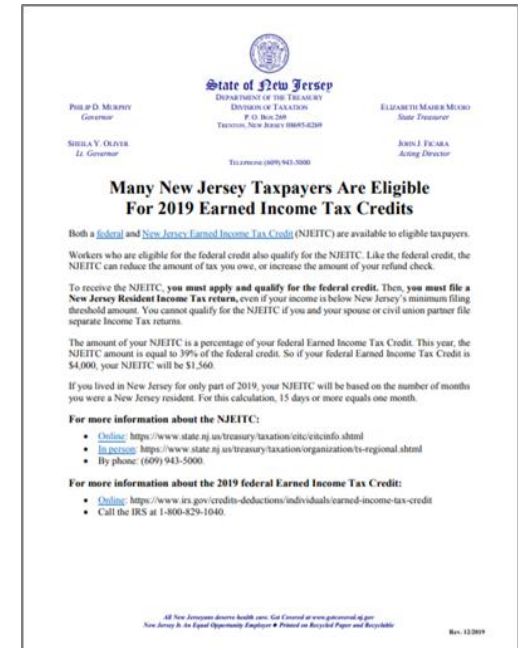


NEW JERSEY DEPARTMENT OF  
**LWD**  
LABOR AND WORKFORCE DEVELOPMENT

60429-010


# Examples of Mandatory Handouts

- New Jersey: Earned Income Tax Credit Notice
- Informs employees of the availability of both the federal and New Jersey Earned Income Tax Credits
- Must be provided between January 1 and February 15 of each year to coincide with the distribution of Form W-2
- Mandatory update January 2020



# Examples of Mandatory Handouts

- Connecticut: Sexual Harassment Notice
- Effective October 1, 2019, employers with 3 or more employees must provide this notice to new employees at time of hire
- Lists examples of sexual harassment and explains the complaint process available through the Connecticut Commission on Human Rights and Opportunities
- Must also be posted in the workplace



**State of Connecticut**  
**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**  
*Promoting Equality and Justice for all People*

**SEXUAL HARASSMENT IS ILLEGAL**  
*and is prohibited by*  
**The Connecticut Discrimination Employment Practices Act, and**  
**Title VII of the Civil Rights Act of 1964**

Sexual harassment means: "Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Individuals who engage in acts of sexual harassment may be subject to civil and criminal penalties.

Examples of Sexual Harassment	Remedies For Sexual Harassment
<ul style="list-style-type: none"> <li>Unwelcome sexual advances</li> <li>Suggestive or lewd remarks</li> <li>Unwanted hugs, touches, or kisses</li> <li>Requests for sexual favors</li> <li>Retaliation for complaining about sexual harassment</li> <li>Derogatory or pornographic posters, cartoons or drawings</li> </ul>	<ul style="list-style-type: none"> <li>Cease and desist orders</li> <li>Back pay</li> <li>Compensatory damages</li> <li>Hiring, promotion or reinstatement</li> <li>Emotional distress damages</li> </ul>

Connecticut law requires that a written complaint be filed with the Commission within 300 days of the date the alleged harassment for events occurring on or after October 1, 2019. For harassment occurring before October 1, 2019, complaints must be filed within 180 days of the harassment.

***If you feel you have been discriminated against, contact the Connecticut Commission on Human Rights and Opportunities at 860-541-3400, CT Toll Free 1-800-477-5737, or online at [www.ct.gov/CHRO](http://www.ct.gov/CHRO)***



# Examples of Mandatory Handouts

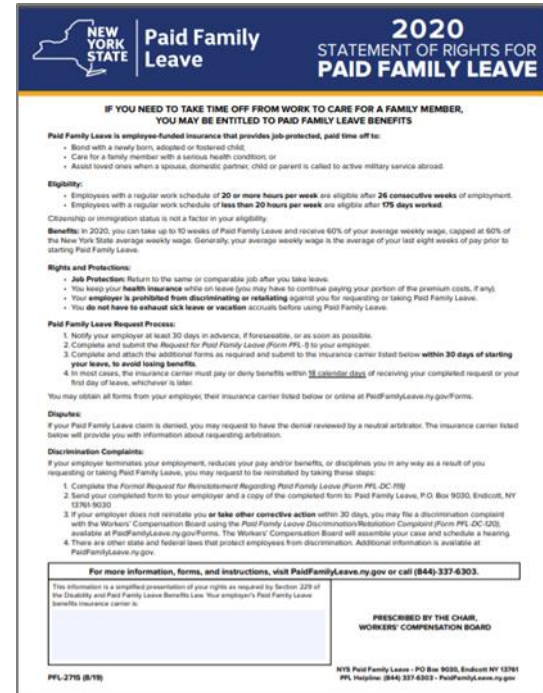
- New York: Sexual Harassment Policy, Complaint Form and Prevention Notice
- NY employers must provide all new employees with a sexual harassment policy, complaint form and prevention notice at the time of hire, and to existing employees at every mandatory sexual harassment prevention training (required annually)
- Informs employees of their rights to a harassment-free workplace, how to file complaints and explains where employees can locate the employer's sexual harassment policy, training materials, and complaint form
- Mandatory updates November 2019

The image displays three overlapping document templates from the New York State Department of Labor, all featuring the 'New York State Combating Sexual Harassment' logo.

- Top Document: Sexual Harassment Policy for All Employers in New York State**
  - Introduction:** Is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.
  - Policy:**
    - whether paid or unpaid, contractors or immigration status, with "employees" refers to this collective
    - Sexual harassment will not be tolerated in sexual harassment or retaliation (e.g., counseling, suspension,
    - Retaliation Prohibition:** No person can because the employee reports an act, otherwise assists in any investigation, not tolerate such retaliation against a about suspected sexual harassment, anyone involved in a sexual harassment up to and including termination. All working in the workplace who believe a supervisor, manager or non-employees who believe they in other available forums, as applicable.
- Middle Document: Model Complaint Form for Reporting Sexual Harassment**
  - New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.
  - If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to [redacted]. You will not be retaliated against for filing a complaint.
  - If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.
  - For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)
  - COMPLAINANT INFORMATION**  
Name: [redacted]
- Bottom Document: Sexual Harassment Prevention Notice**
  - Sexual harassment is against the law.**
  - All employees have a legal right to a workplace free from sexual harassment, and [redacted] is committed to maintaining a workplace free from sexual harassment.
  - Per New York State Law, [redacted] has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status. You are receiving this notice, as required by law, either at the time of hiring or during your annual sexual harassment prevention training.
  - If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, manager or [redacted] so we can take action.
  - Our complete policy  is enclosed/attached  may be found at the link below: [redacted]
  - Our training materials  are enclosed/attached  may be found at the link below: [redacted]
  - Our Complaint Form  is enclosed/attached  may be found at the link below: [redacted]
  - If you have questions or to make a complaint, please contact:**  
[redacted]  
[redacted]
  - For more information and additional resources, please visit: [www.ny.gov/programs/combating-sexual-harassment-workplace](http://www.ny.gov/programs/combating-sexual-harassment-workplace)

# Examples of Mandatory Handouts

- New York: Paid Family Leave Notice
- Updated for 2020: Informs employees of their paid family leave benefits
- Notice must be provided in employee handbooks
- Employers who do not have employee handbooks must give this notice separately to employees
- Notice must also be given to employees when they take paid family leave



**NEW YORK STATE** **Paid Family Leave** **2020 STATEMENT OF RIGHTS FOR PAID FAMILY LEAVE**

**IF YOU NEED TO TAKE TIME OFF FROM WORK TO CARE FOR A FAMILY MEMBER, YOU MAY BE ENTITLED TO PAID FAMILY LEAVE BENEFITS**

**Paid Family Leave is employee-funded insurance that provides job-protected, paid time off to:**

- Bond with a newly born, adopted or fostered child.
- Care for a family member with a serious health condition; or
- Assist loved ones when a spouse, domestic partner, child or parent is called to active military service abroad.

**Eligibility:**

- Employees with a regular work schedule of **20 or more hours per week** are eligible after **26 consecutive weeks** of employment.
- Employees with a regular work schedule of **less than 20 hours per week** are eligible after **175 days worked**.

*Citizenship or immigration status is not a factor in your eligibility.*

**Benefits:** In 2020, you can take up to 10 weeks of Paid Family Leave and receive 60% of your average weekly wage, capped at 60% of the New York State average weekly wage. Generally, your average weekly wage is the average of your last eight weeks of pay prior to starting Paid Family Leave.

**Rights and Protections:**

- **Job Protection:** Return to the same or comparable job after you take leave.
- You keep your **health insurance** while on leave (you may have to continue paying your portion of the premium costs, if any).
- Your employer is **prohibited from discriminating or retaliating** against you for requesting or taking Paid Family Leave.
- You **do not have to exhaust sick leave or vacation** accruals before using Paid Family Leave.

**Paid Family Leave Request Process:**

1. Notify your employer at least 30 days in advance, if foreseeable, or as soon as possible.
2. Complete and submit the Request for Paid Family Leave Form PFL-8 to your employer.
3. Complete and attach the additional forms as required and submit to the insurance carrier listed below **within 30 days of starting your leave, to avoid losing benefits.**
4. In most cases, the insurance carrier must pay or deny benefits within **15 calendar days** of receiving your completed request or your first day of leave, whichever is later.

You may obtain all forms from your employer; your insurance carrier listed below or online at [PaidFamilyLeave.ny.gov/forms](http://PaidFamilyLeave.ny.gov/forms).

**Dispute:**

If your Paid Family Leave claim is denied, you may request to have the denial reviewed by a neutral arbitrator. The insurance carrier listed below will provide you with information about requesting arbitration.

**Discrimination Complaints:**

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, you may request to be reinstated by taking these steps:

1. Complete the **Formal Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-FR)**
2. Send your completed form to your employer and a copy of the completed form to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13763-9030
3. If your employer does not reinstate you or take other corrective action within 30 days, you may file a discrimination complaint with the Workers' Compensation Board using the **Paid Family Leave Discrimination/Reinstatement Complaint (Form PFL-DC-DC)**, available at [PaidFamilyLeave.ny.gov/forms](http://PaidFamilyLeave.ny.gov/forms). The Workers' Compensation Board will assemble your case and schedule a hearing.
4. There are other state and federal laws that protect employees from discrimination. Additional information is available at [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov).

**For more information, forms, and instructions, visit [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov) or call (844) 337-6303.**

This document is an unprinted presentation of your rights as required by Section 229 of the Disability and Paid Family Leave Benefits Law. Your employer's Paid Family Leave benefits insurance carrier is:

**PRESCRIBED BY THE CHAIR, WORKERS' COMPENSATION BOARD**

**PFL-2718 (8/19)** **NY Paid Family Leave - PO Box 9030, Endicott NY 13761 PFL-Notice (844) 337-6303 - PaidFamilyLeave.ny.gov**



# Examples of Mandatory Handouts

- New York: Wage Theft Notice
- Purpose is to inform employees of rate of pay, regular payday, name of employer, and any allowances taken as part of the minimum wage
- Notice must be given in English and the employee's primary language
- Employers must choose the correct notice based on the type of employee relationship
- Must be provided to employees at time of hire

**NEW YORK**  
STATE

**Notice and Acknowledgement of Pay Rate and Payday**  
Under Section 195.1 of the New York State Labor Law  
Notice for Employees Paid a Weekly Rate or a Salary for a Fixed Number of Hours (40 or Fewer in a Week)

<p><b>1. Employer Information</b></p> <p>Name: _____</p> <p>Doing Business As (DBA) Name(s): _____</p> <p>FEIN (optional): _____</p> <p>Physical Address: _____</p> <p>Mailing Address: _____</p> <p>Phone: _____</p>	<p><b>3. Employee's Pay Rate:</b></p> <p>\$ _____ per _____</p> <p>Weekly hours _____ (Specify the number of hours for which the weekly rate or salary will be paid.)</p> <p>Employers may not pay a non-hourly rate to a non-exempt employee in the Hospitality Industry, except for commissioned salespeople.</p> <p><b>4. Allowances taken:</b></p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Tips _____ per hour</p> <p><input type="checkbox"/> Meals _____ per meal</p> <p><input type="checkbox"/> Lodging _____</p> <p><input type="checkbox"/> Other _____</p> <p><b>5. Regular payday:</b> _____</p> <p><b>6. Pay is:</b></p> <p><input type="checkbox"/> Weekly</p> <p><input type="checkbox"/> Bi-weekly</p> <p><input type="checkbox"/> Other _____</p> <p><b>7. Overtime Pay Rate:</b></p> <p>\$ _____ per hour (This must be at least 1½ times the worker's regular rate, with few exceptions.)</p>	<p><b>8. Employee Acknowledgement:</b></p> <p>On this day, I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday. I told my employer what my primary language is.</p> <p><b>Check one:</b></p> <p><input type="checkbox"/> I have been given this pay notice in English because it is my primary language.</p> <p><input type="checkbox"/> My primary language is _____, I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.</p> <p>Print Employee Name _____</p> <p>Employee Signature _____</p> <p>Date _____</p> <p>Preparer Name and Title _____</p> <p><b>The employee must receive a signed copy of this form. The employer must keep the original for 6 years.</b></p> <p><b>Please note:</b> It is unlawful for an employee to be paid less than an employee of the opposite sex for equal work. Employers also may not prohibit employees from discussing wages with their co-workers.</p>
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LS 58 (01/17)



## ComplyRight™ Mandatory Employee Handout Service

- Attorney-developed, 50-state service to help businesses comply with federal, state and local laws requiring employers to provide employees with a written copy of certain labor law notifications
- Provides employers electronic access to current federal, state and local handouts to print or email to employees unlimited times during the annual service term
- Includes 365 days of monitoring by our in-house legal team, and automatic alerts/updates with every mandatory change

## How It Works

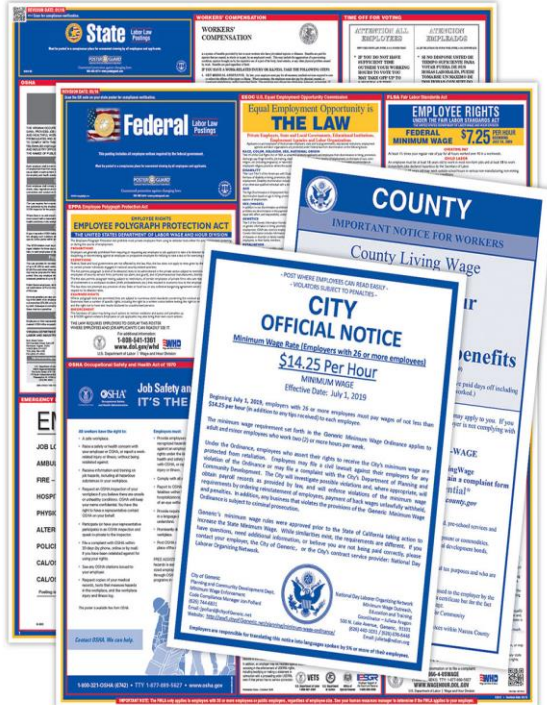
- We provide 24/7 digital access to your mandatory federal, state and local employee handouts for the states you select
- Our in-house legal team researches all applicable laws, and immediately updates files to ensure they are complete and accurate at all times
- We notify you of new/updated mandatory handout requirements via timely email notifications
- You can print completed handouts, or send them as email attachments, unlimited times during your active service

## More About the Handouts

- Each includes detailed instructions, explaining when and how to use (e.g., triggering event, frequency, whether posting also required, foreign language requirements, acknowledgments)
- Acknowledgments provided whenever mandatory
- Grouped by category (e.g., Hiring, Injury, Separation) for easy navigation/access
- Handouts are fillable/editable; completed forms can be saved
- Attorney-written content provided for all “self-create” handouts (templates not provided by government agencies)
- Includes foreign-language versions where required

## Distribute to Affected Employees...

- Distribute according to instructions, if applicable
- Options may include (unless specified by instructions):
  - ✓ Print and distribute by hand
  - ✓ Include as an email attachment
  - ✓ Incorporate into policy manuals
  - ✓ Include with pay checks
  - ✓ Post electronically on company intranet
- Always use current template provided by ComplyRight when retrieving/completing a new notice to ensure you are using the most up-to-date version



For more information, contact:

**Peter Kettwig**  
 Compliance Specialist  
 954.970.5688  
[pkettwig@hrdirect.com](mailto:pkettwig@hrdirect.com)