

DON'T GET CAUGHT IN THE LABOR LAW COMPLIANCE GAP

Posters Aren't the Only Employee Notifications Required

April 2021



Presented by:

Jaime Lizotte, Tax & Compliance Solutions Manager

Today's Agenda

- What are mandatory employee handouts?
- Types of events that require notices
- The true risks of noncompliance
- The move toward allowing electronic transmission
- Examples of these mandatory notifications
- An easy, affordable solution to protect your business

Understanding Mandatory Employee Handouts

What Are Mandatory Handouts?

- Employee handouts are legal notifications that must be distributed to employees
- The notifications are typically issued by federal, state and local government agencies
- They inform employees of their rights and responsibilities under various workplace laws

What Are Mandatory Handouts? (cont.)

- 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

When Must They Be Distributed?

Some notifications must be distributed:

- When an employee requests time off for a protected absence
- Upon notice of a workplace injury
- Upon an employee's separation
- Whenever there's a change in pay
- Upon an employee's request
- At the time of hire
- Annually to all employees

How Are They Similar to Posters?

- They vary by state (up to 24 per state)
- 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 noncompliance

What Are the Risks?

- Penalties for noncompliance can be severe
- Federal penalties can go up to more than \$21,000 for not providing required notices or using outdated notices
- On the state level, fines typically range from \$100-\$500 per violation
- Fines can be expensive, but the real danger is when it comes to employee lawsuits
- Under various employment laws, you can lose or forfeit certain defenses if you fail to notify employees of their rights

How Often Do They Change?

- Changes occur frequently
- There have been approximately 150 mandatory handout changes over the past year
- These changes can include a new handout requirement, or an update to an existing one
- Some states have had multiple changes over the past year

Is Electronic Transmission Allowed?

- Many of the newer requirements do allow for digital delivery of the notifications
- This seems to be an acknowledgment by the government that posters may not be the most effective means of communicating information to employees
- Additionally, this appears to be a movement by many agencies to minimize the burden placed on employers
- Electronic delivery of notices is considered less work than displaying posters and updating each time the law changes

Examples of Mandatory Employee Handouts

Example #1

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, to bond with a new child, or to participate in a qualifying military event
- Mandatory update December 2020



CALIFORNIA PAID FAMILY LEAVE
moments matter.

In California, it's the law.

Paid Family Leave benefits:
Giving Californians the time they need
to be there for the moments that matter.

About California Paid Family Leave

For many working Californians, finding time to be with a loved one when they need it most can be difficult. California's Paid Family Leave program was created for those moments that matter – when you are bonding with a new child or caring for a seriously ill family member.

Fast Facts About California Paid Family Leave

- Provides up to six weeks of partial wage replacement benefits to bond with a new child (either by birth, adoption, or foster care placement) or to care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner).
- Doesn't have to be taken all at once.
- Provides approximately 60 to 70 percent of your salary during your leave.
- Funded through your State Disability Insurance tax withholding, so you are most likely eligible if you've paid into State Disability Insurance (noted as "CASDI" on paystubs) or a qualifying voluntary plan in the past 5 to 18 months.
- Bonding claims can be used at any time in the first 12 months after a child enters your family.

Individuals can also visit a Paid Family Leave or Disability Insurance office to obtain claim forms, receive information, or speak to a representative.
Visit edd.ca.gov/Disability/Contact_SDI.htm to locate an office.

EDD Employment Development Department
State of California

For more information, visit:
CaliforniaPaidFamilyLeave.com

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling 1-800-488-4873 (voice). TTY users, please call the California Relay Service at 711.

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Helping Californians be present for the moments that matter.

Example #2

Washington: Paid Family and Medical Leave Notice

- Employers subject to the state's Paid Family and Medical Leave Program must provide this notice to employees on family or medical leave
- Informs employees of their rights to paid family and medical leave benefits
- Mandatory update September 2020

Washington
Paid Family & Medical Leave
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.

For more information about how to apply, contact us at 833-717-2273 or visit www.paidleave.wa.gov.

Important information for when you apply

Employer UBI #:

This employer offers supplemental benefits: Y N

Note: 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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Example #3

Colorado: Overtime and Minimum Wage Standards Notice (COMPS Order 37)

- Every employer who publishes or distributes any handbook, manual, or policies must include this notice in their handbook, manual or policies
- Must also be provided upon request
- Must also be posted in the workplace
- New handout effective January 1, 2021

 **COLORADO** Department of Labor and Employment **COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER ("COMPS Order") #37 POSTER** Division of Labor Standards & Statistics Effective January 1, 2021
Must be updated annually; new poster available 1st week of each December

Colorado Minimum Wage: \$12.32 per hour, or \$9.30 for Tipped Employees, effective 1/1/2021.

- The minimum wage adjusts annually by inflation; next year's COMPS Order and Poster will provide the 2022 minimum wage.
- The minimum wage applies to all adults and emancipated minors, whether paid hourly or any 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 \$14.77 in Denver as of 1/1/21) may also apply. If work is covered by multiple minimum or overtime wage rules, the rule with the higher wage or standard applies.

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.

- Employees 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 on on-duty meal must be permitted, and the time must be paid.
- To the extent 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:	1 up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
#Rest Periods:	0	1	2	3	4	5	6

- Rest periods need not be off-site but must not include work and should be in the middle of the 4 hours to the extent practical.
- 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 on-premises, on duty, or at prescribed workplaces (but not just listing off-duty employees be on-premises), including:
 - putting on or removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-the-clock duty;
 - awaiting assignments at work, or receiving or sharing work-related information; or
 - security/safety screening, clocking/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 and sleep time, see Rule 1.6.2.

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 (covering minimum wages to \$9.30) 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 (without employer profit) of a voluntarily accepted meal.
- Lodging deductions are allowed only if housing is voluntarily accepted by the employee, primarily for the employee'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 must 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.

- Executives/supervisors, decision-making administrative employees, and professionals (Rule 2.2.1-3) paid the exempt salary:

2021	2022	2023	2024	Each Year After 2024
\$49,500	\$45,000	\$50,000	\$55,000	Prior year's salary, inflation-adjusted

- 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management (2.2.5).
- Highly technical computer-related employees (defined in 2.2.10), if paid at least \$28.38 per hour.
- Various in-residence workers, including property managers, range workers, and camp/outdoor education field staff (2.2.7).
- Various, but not all, types of salespersons (2.2.4, 2.4.1, 2.4.2) and taxi drivers (2.2.6).
- Certain medical transportation and hospital/nursing home employees have modified overtime rules (2.4.4, 2.4.5).
- Downhill ski/snowboard employees, including on-mountain food but not lodging, are exempt from 40-hour overtime (2.4.3).
- Agriculture (2.3) and some transportation (2.4.6) jobs are exempt from overtime and meal periods, and have more flexible rest periods (agriculture or no transportation) rest periods.

Complaint & Anti-Retaliation Rights.

- The Division of Labor Standards and Statistics (contact info at the bottom of this Poster) accepts complaints and tips as to violations of COMPS or other wage rights under 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, coercing, 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 anonymous tips.
- Immigration status is irrelevant to wage rights. The Division will investigate and rule on complaints without asking, reporting, or considering status. Using status to interfere with rights is illegal under Wage Protection Rule 4.8 and other applicable law.

This poster must be displayed where easily accessible to workers, included in any existing employee handbook or manual, shared with remote workers, provided in languages other than English as needed, and replaced annually.

This Poster summarizes key wage rules in the COMPS Order, but not all, and should not be relied upon as complete information. For the full Order, more detailed fact sheets, or for questions, information, or complaints as to wage or other labor laws, contact:

Division of Labor Standards and Statistics, coloradolaborlaw.gov, edc_labor_standards@state.co.us, 303-318-8441 / 888-390-7936.

Example #4

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 December 2020

The notice is from the State of New Jersey, Department of the Treasury, Division of Taxation. It is dated 12/2020. The notice is titled "Many New Jersey Taxpayers Are Eligible For 2020 Earned Income Tax Credits". It informs taxpayers that both the federal and New Jersey Earned Income Tax Credit (NJEITC) are available to eligible taxpayers. It explains that workers eligible for the federal credit also qualify for the NJEITC, which can reduce the amount of tax owed or increase the amount of a refund check. It states that everyone who applies and qualifies for the federal credit is eligible to receive the NJEITC. For 2020, the age limit for the NJEITC was lowered to 21 and expanded to include those who do not have a qualifying child or receive a federal credit. To receive the NJEITC, taxpayers must file a New Jersey Resident Income Tax return, even if their income is below the state's minimum filing threshold. It provides an example: if a taxpayer's federal Earned Income Tax Credit is \$4,000, their NJEITC will be \$1,600. It also notes that if a taxpayer lived in New Jersey for only part of 2020, the NJEITC will be based on the number of months they were a New Jersey resident (15 days or more equals one month). The notice provides contact information for more information about the NJEITC and the 2020 federal Earned Income Tax Credit. At the bottom, it includes the state motto "All New Jerseyans deserve health care. Get Covered at www.getcovered.nj.gov" and "New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recyclable".

State of New Jersey
DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION
P.O. Box 209
TRENTON, NEW JERSEY 08646-0209

PHILIP D. MURPHY
Governor

ELIZABETH MAHER MURPHY
State Treasurer

SHEILA Y. OLIVER
Lt. Governor

JOHN J. FICARA
Acting Director

TELEPHONE: (609) 943-5000

Many New Jersey Taxpayers Are Eligible For 2020 Earned Income Tax Credits

Both a [federal](#) and [New Jersey Earned Income Tax Credit \(NJEITC\)](#) are available to eligible taxpayers.

Workers who are eligible for the federal credit also qualify for the NJEITC. Like the federal credit, the NJEITC can reduce the amount of tax you owe, or increase the amount of your refund check.

Everyone who applies and qualifies for the federal credit is eligible to receive the NJEITC. New for this year, we lowered the age limit to 21 and expanded the NJEITC so you may qualify even if you do not have a qualifying child or receive a federal credit. To receive the NJEITC, **you must file a New Jersey Resident Income Tax return**, even if your income is below New Jersey's minimum filing threshold amount. You cannot qualify for the NJEITC if you and your spouse or civil union partner file separate Income Tax returns.

The amount of your NJEITC is a percentage of your federal Earned Income Tax Credit. This year, the NJEITC amount is equal to 40% of the federal credit. So, if your federal Earned Income Tax Credit is \$4,000, your NJEITC will be \$1,600.

If you lived in New Jersey for only part of 2020, your NJEITC will be based on the number of months you were a New Jersey resident. For this calculation, 15 days or more equals one month.

For more information about the NJEITC:

- [Online](#)
- [In person](#)
- By phone: (609) 943-5000.

For more information about the 2020 federal Earned Income Tax Credit:

- [Online](#)
- Call the IRS at 1-800-829-1040.

All New Jerseyans deserve health care. Get Covered at www.getcovered.nj.gov
New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recyclable

Rev. 12/2020

Example #5

Minnesota: Wage Theft Notice

- Employers must provide this notice to employees at time of hire and whenever the information changes (pay/status changes)
- Employers must keep a copy of the notice signed by each employee

Minneapolis: Wage Theft Notice

- Effective January 1, 2020, employers must provide this notice to new employees at time of hire and whenever the information changes
- 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 is exempt from: minimum wage overtime other provisions of Minnesota Statutes 177
 Legal basis for exemption: _____
 Employee is non-exempt (entitled to overtime, minimum wage, other protections under Minn. Stat. 177)

4. Rate: \$ _____ Additional rates (if applicable): _____ How applied: _____
 Paid by: Hour Shift Day Week
 Salary Piece Commission Other method

Overtime is owed after: _____ hours

Allowances claimed:
 \$ _____ per meal for meal allowance (max = 60% of one hour of adult minimum wage per meal)
 \$ _____ per day for lodging allowance (max = 75% of one hour of adult minimum wage per day)
 (or fair market value)

5. Leave benefits available:
 Sick leave Paid vacation Other paid time off
 How benefits are accrued: Number of hours _____ or days _____
 per year month per pay period per hours worked
 Terms of use: _____

6. Deductions that may be made from employee's pay and amounts: _____

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

8. Other information relevant to this position: _____

I, the employee, have received a copy of this notice: Yes No
 Employer signature _____ Date _____ Employee signature _____ Date _____

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 (include all applicable types):
 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 (access) 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

Example #6

Washington D.C.: Family and Medical Leave Act During COVID-19 Notice

- Effective March 11, 2020, employers must provide this notice to new employees at time of hire or include in handbooks
- Informs employees of their rights to public health emergency leave under the D.C. Family and Medical Leave Act
- Must also be displayed in the workplace
- Mandatory update February 2021

DC Family and Medical Leave Act during COVID-19
- Temporary "Declaration of Emergency Leave during Declared Public Health Emergency" -

On March 17, 2020, the Mayor signed the COVID-19 Response Emergency Amendment Act (CREA), which temporarily amends the D.C. Family and Medical Leave Act (DCFMLA) to expand leave coverage during a public health emergency for employees working in the District of Columbia. The amendments take effect from March 17, 2020 to June 15, 2020.

KEY PROVISIONS OF THE AMENDMENTS TO THE DCFMLA

- 1. Waiver of Certain Requirements (D.C. Code § 32-501(1)):** During a public health emergency declared by the Mayor, when requesting leave under the DCFMLA, an employee need not have worked for the employer for 1,000 hours in the past year or have one year of continuous service, if the employee has been ordered or recommended to self-quarantine or isolate by a medical professional, the Department of Health, or other District or federal agency.
- 2. Creation of "Declaration of Emergency" (DOE) Leave (D.C. Code § 32-502.01):** A new section is added to the DCFMLA providing that during a public health emergency declared by the Mayor, if an employee is unable to work due to the circumstances giving rise to the public health emergency, the employee may request for "declaration of emergency" leave **during** the declared public health emergency period.
- 3. Applicability for DOE Leave (D.C. Code § 32-516):** During a public health emergency declared by the Mayor, for the DOE leave, the benefit applies to employees working for an employer of any size (1 or more employees in the District of Columbia).
- 4. Certification (D.C. Code § 32-502.01):** For DOE Leave, recommendation from the Mayor, Department of Health, medical professional, or other District or federal agency that the employee self-quarantine or isolate is sufficient; for government mandated quarantine or isolation, the declaration of public health emergency shall serve as certification.

EMPLOYER POSTING REQUIREMENTS

The employer must post and maintain this notice in a conspicuous place. An employer that willfully fails to post this notice may be ordered to pay a fine of up to \$100 for each day the employer fails to post the notice.

Filing a Complaint of a Violation

If you believe an employer has wrongfully denied you "declaration of emergency" leave, family leave, medical leave, or retaliated against you under this statute, you can file a complaint within one year of the incident with the Office of Human Rights (OHR). To file a complaint, visit ohr.dc.gov or email the complaint to ohrintake@dc.gov.

Questions about the OHR process can also be answered by phone at (202) 727-4559 or via email at ohrintake@dc.gov.

Released April 20, 2020

Office of Human Rights
ohr.dc.gov phone: (202) 727-4559 fax: (202) 727-9589 441 4th Street NW, Suite 570N, Washington, DC 20001

Example #7

New York: Sexual Harassment Policy Complaint Form and Prevention Notice

- All 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
- 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

Sexual Harassment Prevention Notice

Sexual harassment is against the law.

All employees have a legal right to a workplace free from sexual harassment. _____ is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, _____ prevention policy in place that protects you. This policy applies to all employees, interns and non-employees in our workplace, regardless of whether you are a full-time, part-time, seasonal, temporary, or contract employee, as required by law, either at the time of hiring or during mandatory prevention training.

If you believe you have been subjected to or witness sexual harassment, you should report the harassment to a supervisor, manager or _____.

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 _____.

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

COMPLAINANT INFORMATION

Name: _____

Work Address: _____ Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

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Sexual Harassment Policy for All Employers in New York State  **Combating Sexual Harassment**

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 law¹ 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 antidiscrimination laws.

Policy:

1. _____ policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with _____. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. _____ will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of _____ who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subjected to such retaliation should inform a supervisor, manager, or _____. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.
² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "1099" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

resources, please visit:
[ny.gov/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)

10/19 Version

Example #8

New York: Paid Family Leave Notice

- Updated for 2021: Informs employees of their paid family leave benefits
- Notice must be provided in employee handbooks
- Employers who do not have handbooks must give this notice separately to employees
- Notice must also be given to employees when they take paid family leave

2021
STATEMENT OF RIGHTS

 **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.

Paid Family Leave may also be available for use in situations when you or your minor dependent child are under an order of quarantine or isolation due to COVID-19. See [PaidFamilyLeave.ny.gov/COVID19](https://www.paidfamilyleave.ny.gov/COVID19) for full details.

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 **75 days worked**.

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

Benefits:

In 2021, you can take up to 12 weeks of Paid Family Leave and receive 67% of your average weekly wage, capped at 67% 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-1) 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 **18 calendar days** of receiving your completed request or your first day of leave, whichever is later.

You may obtain all forms from your employer, their insurance carrier listed below or online at [PaidFamilyLeave.ny.gov/Forms](https://www.PaidFamilyLeave.ny.gov/Forms).

Disputes:

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-OC-119).
2. Send your completed form to your employer and a copy of the completed form to:
Paid Family Leave, P.O. Box 9030, Ellicott, NY 12181-9030
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/Retaliation Complaint** (Form PFL-OC-120). 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](https://www.PaidFamilyLeave.ny.gov).

For more information, forms and instructions, visit [PaidFamilyLeave.ny.gov](https://www.PaidFamilyLeave.ny.gov) or call the PFL Helpline (844) 337-6303.

This information is a simplified 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**
NY's Paid Family Leave
PO Box 9030, Ellicott NY 12181

ML-2716 (8/20)

ComplyRight Mandatory Employee Handout Service

Service Features

- 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 in-house legal team, and automatic alerts/updates with every mandatory change

How It Works

- The service provides 24/7 digital access to your mandatory federal, state and local employee handouts
- In-house legal team researches all applicable laws, and immediately updates files when changes occur
- You are notified of new/updated mandatory handout requirements via timely email notifications
- Print completed handouts or send them as email attachments unlimited times during your active service
- Files may also be shared electronically through your internal employee intranet site or HRIS system

How It Works (cont.)

- Each includes instructions, explaining when and how to use (e.g., triggering event, frequency, foreign language requirements)
- Acknowledgments provided whenever mandatory
- Grouped by category (e.g., Hiring, Injury, Separation)
- Handouts are fillable/editable
- Attorney-written content provided for all “self-create” handouts
- Includes foreign-language versions where required

THANK YOU!