



## **NEW YORK** **CONSTRUCTION INDUSTRY FAIR PLAY ACT**



Aviso obligatorio en virtud del artículo 25-B del derecho laboral

### **Atención a todos los empleados, contratistas y subcontratistas: Usted está cubierto por la Construction Industry Fair Play Act (Ley de Actividad Justa de la Industria de la Construcción).**

#### **La ley dice que usted es empleado, a menos que:**

- usted no esté sujeto a dirección y control al realizar su trabajo; **y**
- usted realice trabajos que no son parte del trabajo habitual realizado por la empresa que lo contrató; **y**
- usted tenga una empresa independiente.

Su empleador no puede considerarlo contratista independiente, a menos que estos tres hechos se apliquen a su trabajo.

#### **Es ilegal que un empleador clasifique incorrectamente a los empleados como contratistas independientes o que pague a los empleados extraoficialmente.**

**Derechos de los empleados:** si usted es empleado, tiene derecho a las protecciones estatales y federales de los trabajadores. Estas incluyen lo siguiente:

- Beneficios del Seguro de desempleo (Unemployment Insurance) si está desempleado por motivos ajenos a su voluntad, puede trabajar y está calificado.
- Beneficios de Compensación del trabajador (Workers' Compensation) para las lesiones sufridas en el trabajo.
- Pago de los salarios ganados, del salario mínimo y de las horas extra (bajo ciertas condiciones).
- Salarios predominantes en proyectos de obras públicas.
- Las disposiciones de la National Labor Relations Act (Ley Nacional de Relaciones Laborales).
- Un ambiente de trabajo seguro.

Constituye una violación de esta ley que los empleadores tomen represalias contra las personas que ejerzan sus derechos en virtud de la ley. Las represalias someten a un empleador a sanciones civiles, a un juicio privado o a ambos.

**Contratistas independientes:** si usted es contratista independiente, **debe pagar todos los impuestos y todas las contribuciones del Seguro de desempleo exigidos por la ley del estado de Nueva York y la ley federal.**

**Sanciones** por pagar extraoficialmente a los trabajadores o tratar incorrectamente a los empleados como contratistas independientes:

- **Sanción civil**  
Primera infracción: multa de hasta \$2,500 por empleado  
Infracción(es) posterior(es): multa de hasta \$5,000 por empleado
- **Sanción penal**  
Primera infracción: en caso de delito menor, hasta 30 días de prisión o hasta \$25,000 de multa e inhabilitación para realizar obras públicas hasta por un año.  
Infracción(es) posterior(es): Infracción(es) posterior(es): en caso de delito menor, hasta 60 días de prisión o hasta \$50,000 de multa e inhabilitación para realizar obras públicas hasta por 5 años.

**Si tiene preguntas sobre su condición laboral o cree que su empleador pudo haber violado sus derechos y desea presentar una denuncia, comuníquese con el Departamento de Trabajo (Department of Labor) llamando al (866) 435-1499 o envíe un correo electrónico a [dol.misclassified@labor.ny.gov](mailto:dol.misclassified@labor.ny.gov). Todas las denuncias de fraude e infracciones se toman en serio. Puede mantener el anonimato.**

**Nombre del empleador:**  
IA 999S (09/16)

**NEW YORK**  
**CRIMINAL CONVICTIONS RECORDS**

**NEW YORK CORRECTION LAW**  
**ARTICLE 23-A**

**LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY  
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES**

**Section 750. Definitions.**

**751. Applicability.**

**752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.**

**753. Factors to be considered concerning a previous criminal conviction; presumption.**

**754. Written statement upon denial of license or employment.**

**755. Enforcement.**

---

**§750. Definitions.** For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

# NEW YORK DISCRIMINATION IN THE WORKPLACE



NEW YORK STATE  
DIVISION OF  
**HUMAN  
RIGHTS**  
WWW.DHR.NY.GOV  
ANDREW M. CUOMO, GOVERNOR

**DISCRIMINATION REALLY HURTS.  
IF YOU SEE IT OR EXPERIENCE IT, CALL US.  
WE'RE HERE.**  
**(718) 741-8400 (888) 392-3644**  
**TTD (718)741-8300**

THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN RIGHTS LAW (EXECUTIVE LAW, ARTICLE 15)

ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK (LEY EJECUTIVA, ARTÍCULO 15)

**DISCRIMINATION BASED ON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, DISABILITY, DOMESTIC VIOLENCE VICTIM STATUS, OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW IN:**

**LA DISCRIMINACIÓN BASADA EN EDAD, RAZA, CREDO, COLOR, NACIONALIDAD, ORIENTACIÓN SEXUAL, ESTADO MILITAR, SEXO, DISCAPACIDAD, ESTADO COMO VÍCTIMA DE VIOLENCIA DOMÉSTICA, O ESTADO CIVIL ESTÁ PROHIBIDA BAJO LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK EN:**

**EMPLOYMENT, BY EMPLOYERS OF FOUR OR MORE PEOPLE, EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS**

**EL EMPLEO, POR PARTE DE EMPLEADORES CON UN PERSONAL DE CUATRO PERSONAS O MÁS, EN SINDICATOS Y PROGRAMAS DE ADIESTRAMIENTO Y CAPACITACIÓN**

Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; prior arrest or conviction record; predisposing genetic characteristics.

También se prohíbe: La discriminación en el empleo basado en la observación del Sabat y otras prácticas religiosas, por previos arrestos o antecedentes criminales, por predisposición genética.

Reasonable accommodations for persons with disabilities may be required. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner.

En casos de personas con discapacidades físicas se puede exigir que se le proporcionen ajustes necesarios y razonables. Un ajuste razonable es una modificación en el lugar o ambiente de trabajo que permita que una persona con discapacidades pueda desempeñar sus funciones de forma razonable.

**RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE**

**ALQUILER, CONTRATO DE ALQUILER, VENTA DE VIVIENDAS, TIERRAS O ESPACIOS COMERCIALES**

Exceptions:

- (1) rental of an apartment in an owner-occupied two-family house
- (2) restrictions of all rooms in a housing accommodation to individuals of the same sex
- (3) rental of a room by the occupant of a house or apartment
- (4) sale, rental, or lease of accommodations of housing exclusively to persons 55 years of age or older, and the spouse of such persons

Excepciones:

- (1) el alquiler de un apartamento en una casa para dos familias en la que reside el propietario
- (2) la restricción de todas las habitaciones de una propiedad residencial para alojamiento de individuos del mismo sexo
- (3) el alquiler de una habitación por el ocupante de una casa o apartamento
- (4) la venta, alquiler, contrato de alquiler en viviendas para alojamiento exclusivo de personas de 55 años o más y sus respectivos esposos o esposas

Also prohibited: discrimination in housing on the basis of familial status (e.g. families with children)

También está prohibido: la discriminación en viviendas basada en la situación familiar (ejemplo: familias con niños)

Reasonable accommodations and modifications for persons with disabilities may also be required.

También se puede exigir que se hagan ajustes razonables y modificaciones para las personas con discapacidades.

**ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE**

Also prohibited: commercial boycotts and blockbusting.

**ACTIVIDADES DE AGENTES Y VENEDORES DE BIENES RAÍCES**

Está prohibido: los boicots comerciales y la práctica de vender o alquilar viviendas a grupos étnicos minoritarios en barrios habitados predominantemente por blancos, con el propósito de depreciar las propiedades y hacer especulaciones. A ésta práctica se le conoce en inglés como blockbusting.

**PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT SUCH AS RESTAURANTS, HOTELS, HOSPITALS, CLUBS AND MEDICAL OFFICES**

Exception:

Age is not a covered classification relative to public accommodations. Reasonable accommodations for persons with disabilities may also be required. (Effective January 1st, 2008.)

**SITIOS PÚBLICOS, LUGARES PARA VACACIONAR O DE ENTRETENIMIENTO COMO RESTAURANTES, HOTELES, HOSPITALES, CLUBES Y CONSULTORIOS MÉDICOS**

Excepción:

La edad no es una de las categorías protegidas con respecto a los sitios públicos. Ajustes razonables para las personas con discapacidades también pueden ser requeridos. (Efectivo el 1ero de enero del 2008.)

**ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS**

**PUBLICIDAD Y SOLICITUDES RELACIONADAS A EMPLEOS, BIENES RAÍCES, SITIOS PÚBLICOS Y OPERACIONES DE CRÉDITO**

**EDUCATIONAL INSTITUTIONS: NON-SECTARIAN, TAX EXEMPT, PUBLIC AND PRIVATE**

**INSTITUCIONES EDUCATIVAS: QUE NO SEAN RELIGIOSAS, LIBRES DE IMPUESTOS, PÚBLICAS Y PRIVADAS**

**ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR PURCHASE, MAINTENANCE AND REPAIR OF HOUSING**

**TODAS LAS OPERACIONES DE CRÉDITO INCLUYENDO FINANCIAMIENTO DE COMPRA, MANTENIMIENTO O REPARACIONES DE VIVIENDAS**

If you wish to file a formal complaint with the Division of Human Rights, you must do so within one year after the discrimination occurred. The Division's services are provided free of charge.

Si desea presentar una querrela con la División de Derechos Humanos, debe hacerlo dentro de un plazo de un año después que el acto discriminatorio haya ocurrido. Los servicios que ofrece la División son gratuitos.

If you wish to file a complaint in State Court, you may do so within three years of the discrimination. You may not file both with the Division and the State Court.

Si desea presentar una querrela ante la Corte Estatal tiene un plazo de hasta tres años después del incidente discriminatorio para hacerlo. No puede presentar su queja en ambos lugares, la División y la Corte Estatal.

**Retaliation for filing a complaint or opposing discriminatory practices is prohibited. You may file a complaint with the Division if you have been retaliated against.**

**Está prohibido tomar represalias contra una persona porque haya presentado una querrela o por oponerse a conductas discriminatorias. Usted puede presentar una querrela ante la División si han tomado represalias en su contra.**

FOR FURTHER INFORMATION, WRITE OR CALL THE DIVISION'S NEAREST OFFICE.  
HEADQUARTERS: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

PARA MÁS INFORMACIÓN, ESCRIBA O LLAME A SU OFICINA DE LA DIVISIÓN MÁS CERCANA.  
SEDE: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

**LA DISCRIMINACIÓN REALMENTE HACE DAÑO.  
SI ES TESTIGO O VÍCTIMA DE ELLA, LLÁMENOS.  
ESTAMOS AQUÍ PARA SERVIRLES.**  
**(718) 741-8400 (888) 392-3644**  
**TTD (718)741-8300**



ESTADO DE NUEVA YORK  
**DIVISIÓN DE  
DERECHOS  
HUMANOS**  
WWW.DHR.NY.GOV  
GOBERNADOR ANDREW M. CUOMO

**NEW YORK**  
**PUBLIC WORK PROJECT**

New York State Department of Labor  
Bureau of Public Work

# Attention Employees

**THIS IS A: PUBLIC WORK PROJECT**

If you are employed on this project as a **worker, laborer, or mechanic** you are entitled to receive the **prevailing wage and supplements rate** for the classification at which you are working.

Chapter 629 of  
the Labor Laws  
of 2007:

**These wages are set by law and must be posted at the work site. They can also be found at:**

[www.labor.ny.gov](http://www.labor.ny.gov)

If you feel that you have not received proper wages or benefits, please call our nearest office.\*

Albany	(518) 457-2744	Patchogue	(631) 687-4882
Binghamton	(607) 721-8005	Rochester	(585) 258-4505
Buffalo	(716) 847-7159	Syracuse	(315) 428-4056
Garden City	(516) 228-3915	Utica	(315) 793-2314
New York City	(212) 932-2419	White Plains	(914) 997-9507
Newburgh	(845) 568-5156		

\* For New York City government agency construction projects, please contact the Office of the NYC Comptroller at (212) 669-4443, or [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov) – click on Bureau of Labor Law.

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

Project Location: \_\_\_\_\_

**NEW YORK  
SAFETY & HEALTH**



**New York State  
Department of Labor**

**Labor Law Information Relating to  
Public Employees**

# job safety and health protection

The New York State Public Employee Safety and Health Act of 1980 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

- Employers:** The Act requires that employers furnish employees a workplace free from recognized hazards and in compliance with the safety and health standards applicable to the employer's workplaces and other regulations issued by the Commissioner of Labor under the Act.
- Employees:** The Act requires that employees comply with all safety and health standards and other regulations issued under the Act that apply to their actions and conduct on the job.
- Enforcement:** The New York State Department of Labor's Division of Safety and Health (DOSH) is responsible for administering and enforcing the Act. The Commissioner issues safety and health standards, and Safety and Health Inspectors and Hygienists conduct on-site inspections to ensure compliance with the Act.
- Inspection:** The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the DOSH Inspector or Hygienist for the purpose of aiding the inspection.

Where there is no authorized employee representative, the DOSH Inspector or Hygienist must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

**Order To Comply:** If the DOSH Inspector or Hygienist believes an employer has violated the Act, an order to comply will be issued to the employer. Each order will specify a time period within which the violation must be corrected. If the violation remains uncorrected, the employer may be subject to monetary penalties.

The DOSH order to comply must be prominently displayed at or near the place of violation to warn employees of dangers that may exist.

**Complaint:** Employees or their representatives have the right to file a complaint, in writing, with the nearest DOSH office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. DOSH will withhold, on request, names of employees complaining.

Any interested person or representative of such person or groups of persons may bring to the attention of the State Department of Labor a complaint regarding the administration or enforcement of the Public Employees Safety and Health Program. The State Department of Labor will investigate each complaint and will notify the complainant in writing of the results of such investigation as well as further channels for complaint. Such complaints may also be made to the United States Department of Labor, Occupational Safety and Health Administration, 201 Varick Street, New York, New York 10014.

**Discrimination:** The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

Employees who believe that they have been discriminated against may file a complaint with the nearest DOSH office within 30 days of the alleged discrimination.

**Voluntary Activity:** The Department of Labor encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury or illness to employees and supervisors. On a voluntary basis, employers may request that the DOSH office furnish consultant services to assist the employer in meeting job-site compliance with safety and health standards.

Additional information may be obtained from the nearest DOSH District Office listed below:

State Office Campus, Rm 158 Albany, NY 12240 Tel: (518) 457-5508	44 Hawley St. Binghamton, NY 13901 Tel: (607) 721-8211	65 Court Street Buffalo, NY 14202 Tel: (716) 847-7133	400 Oak Street, Suite 101 Garden City, NY 11530 Tel: (516) 228-3970
75 Varick Street (7th Floor) New York, NY 10013 Tel: (212) 775-3548	109 S. Union Street Rochester, NY 14607 Tel: (585) 258-4570	450 South Salina Street Syracuse, NY 13202 Tel: (315) 479-3212	207 Genesee Street Utica, NY 13501 Tel: (315) 793-2258
			120 Bloomingdale Road White Plains, NY 10605 Tel: (914) 997-9514