



NEW YORK UNIVERSITY
A private university in the public service

Office of General Counsel
Elmer Holmes Bobst Library
70 Washington Square South
New York, New York 10012-1091
Phone: 212 998 2240
Fax: 212 995 3048

February 7, 2019

OFFICE OF GENERAL COUNSEL MEMORANDUM
U.S., NEW YORK STATE AND NEW YORK CITY
EMPLOYMENT AND LABOR LAW

Employment and labor law issues in the U.S. are complex, and generally subject to federal, state and local laws. Below is an overview of some U.S., New York State and New York City employment and labor laws. Please note this is not a comprehensive listing of all applicable laws, and international employment laws are not addressed here.

Discrimination and Harassment

- **Title VII of the Civil Rights Act of 1964** is a federal law that prohibits discrimination in employment (employees and applicants for employment) based on race; color; religion; sex (including sexual harassment); pregnancy, childbirth, or a medical condition related to pregnancy or childbirth; and national origin.
- **The Age Discrimination in Employment Act (ADEA)** is a federal law that prohibits discrimination in employment (employees and applicants for employment) based on age (40 years of age or older).
- **The New York State Human Rights Law (NYSHRL)** is a state law that prohibits discrimination in employment (employees and applicants for employment) based on age (18 years of age or older); race; creed; color; national origin (including ancestry); sexual orientation; gender identity and expression; military status; sex (including sexual harassment); disability; predisposing genetic characteristics; familial status; marital status; domestic violence victim status; or arrest record or conviction record (where in violation of the provisions of Article 23-A of the New York State Correction Law). The NYSHRL also protects interns from discrimination, and prohibits sexual harassment of non-employees in the workplace.

- **The New York City Human Rights Law (NYCHRL)** is a local law that prohibits discrimination in employment (employees and applicants for employment) based on actual or perceived age; race; creed; color; national origin; gender (including gender identity or expression and sexual harassment); disability; marital status; partnership status; caregiver status; sexual and reproductive health decisions; sexual orientation; uniformed service or alienage or citizenship status; or status as a victim of domestic violence, stalking, or sex offenses. The NYCHRL also prohibits inquiries regarding salary history, and discrimination based on pregnancy, childbirth, or a related medical condition; arrest record or conviction record (where in violation of the provisions of Article 23-A of the New York State Correction Law); unemployment status; or consumer credit history. The NYCHRL also protects interns from discrimination.
- **The Americans With Disabilities Act (ADA)** is a federal law that prohibits discrimination in employment (employees and applicants for employment) against a “qualified individual” with a disability on the basis of his/her disability.
- **Title VI of the Civil Rights Act of 1964** is a federal law that prohibits discrimination based on race, color or national origin in programs or activities that receive federal financial assistance. It is applicable to students and, in some cases, to employment.
- **Title IX of the Education Amendments of 1972** is a federal law that prohibits gender discrimination, including sexual harassment, in employee/faculty-student and student-student contexts in programs or activities that receive federal financial assistance. It is applicable to students and, in some cases, to employment.
- **Section 504 of the Rehabilitation Act of 1973** is a federal law that prohibits discrimination against qualified individuals with disabilities based on their disability in programs or activities that receive federal financial assistance. It is applicable to students and, in some cases, to employment.
- **The Equal Pay Act (EPA)** is a federal law that prohibits discrimination in employment on the basis of sex with respect to wages paid in the same workplace, where the men and women perform jobs that require substantially equal skill, effort and responsibility under similar working conditions.
- **The Genetic Information Nondiscrimination Act (GINA)** is a federal law that prohibits employers from utilizing genetic information to discriminate against applicants for employment or employees, including classifying an employee in any way that would tend to affect adversely the employment status or opportunities of the employee.

Wage and Hour

- **The Fair Labor Standards Act (FLSA)** is a federal law that prescribes standards for wages and overtime pay. It requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-a-half times the regular rate of pay.
- **The New York Labor Law (NYLL)** is a state law that prescribes standards for wages, overtime pay and meal periods.

Family, Medical and Military Leave

- **The Family and Medical Leave Act (FMLA)** is a federal law that requires employers with 50 or more employees to provide up to 12 workweeks of unpaid, job-protected leave during a single 12-month period to eligible employees for the birth or adoption of a child; for the serious health condition of the employee; to care for an employee’s spouse, child or parent who has a serious health condition; or any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member on “covered active duty.” The FMLA further provides up to 26 workweeks of unpaid leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent or next of kin (also known as military caregiver leave).
- **The Uniformed Services Employment and Reemployment Rights Act (USERRA)** is a federal law that prohibits employers from discriminating in employment against past and present members of the uniformed services and applicants to the uniformed services, and sets out the rights to reemployment of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System.
- **New York Paid Family Leave Law (NYPFLL)** is a state law that provides eligible employees 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 deployed abroad on active military service.
- **New York City Earned Safe and Sick Time Act (Paid Safe and Sick Leave Law)** is a local law that provides covered employees with the right to use paid safe and sick leave for the care and treatment of themselves or a family member and to seek legal and social services assistance or take other safety measures if the employee or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking.

Labor Law

- **The National Labor Relations Act (NLRA)** is a federal law that governs the relationships between employers, employees and unions, and established the National Labor Relations Board. For example, the NLRA sets forth: the rights of employees to organize, bargain collectively, and engage in protected concerted activity for the purpose of mutual aid or protection, or to refrain from union activity; and representation election procedures.

Health and Safety

- **The Occupational Safety and Health (OSH) Act** is a federal law that requires employers to provide employees with a workplace free from recognized hazards that cause or are likely to cause death or serious physical harm, and to comply with occupational safety and health standards promulgated under the OSH Act. It is enforced by the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA).

Retaliation

It is important to know that all of the above laws prohibit retaliation against employees who file complaints, or otherwise invoke the provisions of these laws, in good faith.

Further Resources

The University's Human Resources Policies can be found [here](#).

Nothing in this Memorandum shall be construed as legal advice or interpreted in such a manner as to expand the rights and protections under applicable law.

If you have legal questions about Employment and Labor Law, including recent developments that may not be addressed in this Memorandum, you can find a member of the Office of General Counsel who practices in this area by visiting our [practice areas page](#) and scrolling to "Employment and Personnel" or "Labor Relations/Union Matters."