

LABORGRAM

ASSOCIATION OF CONTRACTING PLUMBERS OF THE CITY OF NEW YORK, INC.
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April 7, 2014

TO: ALL MEMBERS

RE: PLUMBING INDUSTRY PROMOTION FUND SEMINAR - TUESDAY, MARCH 25, 2014

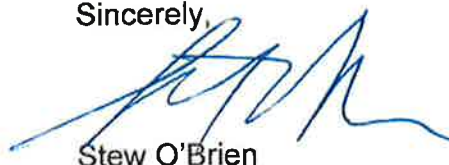
"KEY POINTS" FROM "EMPLOYMENT LAWS: TRAPS FOR THE UNWARY" SEMINAR

Dear Member:

We recently held a half day seminar on important issues affecting your business.

Attached are some of the "key points" from that seminar.

Sincerely,



Stew O'Brien

SO/rs

Attachments

cc:	Andru Coren	President
	Reed Rickman	Vice President
	Thomas Maniuszko	Treasurer
	John M. Botto	Secretary
	Eugene S. Boccieri	Immediate Past President
	Raymond G. McGuire	Counsel

PLUMBING INDUSTRY PROMOTION FUND SEMINAR - TUESDAY, MARCH 25, 2014

“KEY POINTS” FROM “EMPLOYMENT LAWS: TRAPS FOR THE UNWARY” SEMINAR* PRESENTED BY RAY MCGUIRE AND AISLINN MCGUIRE

1. NEW YORK CITY'S EARNED SICK LEAVE ACT (“ESLA”) - EFFECTIVE 4/1/14

Applies to Employers with 5 or more total employees - whether union or non-union.

Union employees - does not take effect until expiration of existing collective bargaining agreement.**

Must provide paid leave that can be used for medical and preventative issues for employees and family members, including care for family members who are ill, etc.

Only applies to work performed in New York City. If office is in Nassau, office workers are not covered.

Accrue - 1 hour of paid sick leave for each 30 hours worked up to a maximum of 40 hours in a year.

Period - any one year period (e.g. calendar year, anniversary date of hire) - employer choice.

No doctors note required unless 3 days or more.

When employment ends, no payout of unused sick time.

Maximum use - 40 hours in a year but can rollover unused portion to next year only so employee can take a sick day in new year without accumulating a balance; maximum permitted to take remains 40 hours.

Employers have to notify each employee of their ability to use and accrue paid time, etc. by May 1, 2014 (see attached).

Usage – no less than 4 hours at a time.

Employers can provide a PTO (Paid Time Off) policy which says, for example, you get 15 days off for vacation days, personal days and sick days. Such a policy complies with the ESLA but there may accumulation issues, year to year.

Employees can sue claiming retaliation if they are penalized for their use of paid sick time.

*This is an outline of very complicated and detailed laws. Please contact the Association of Contracting Plumbers office in order to obtain access to the actual applicable laws and forms.

**For Plumbers Local Union #1, the “A” Collective Bargaining Agreement expires 6/30/16 and the “MES” Collective Bargaining Agreement expires 9/30/2016.

2. **JURY DUTY**

Employer with 10 or more employees must pay first 3 days if employee is scheduled to work.

Employee on jury duty - Employer must pay \$40 per day or regular wages, whichever is less (see attached section of Judiciary Law)

3. **OVERTIME**

Exempt employees - no overtime required.

Non-Exempt employees (whether salaried or not) - overtime required.

Exempt 1) "Executives" - people who operate the business, supervise 2 of more employees, have a salary of at least \$34,000 or more, and are not docked if occasionally out.

2) "Administrators" (accountants, estimators, computer professionals) - must exercise discretion in decision-making but no "supervision" requirement.

Best Practice - have non-exempt employees fill out daily time sheets and collect them once a week.

4. **WAGE THEFT PREVENTION ACT**

Employer must provide certain information on pay stubs and notification of that information upon hire and on February 1st of each year (see Laborgram dated January 26, 2012 on Association Web Site – acpcny.org under "General Information"). Employee must sign and return notice to Employer.

Unused vacation time will rollover from year to year and paid out on termination of employment unless employer has written policy prohibiting such rollovers or pay-out (FYI - many employers have a policy which provides for no payout for unused vacation upon separation unless 2 weeks' notice).

5. **DISABILITIES**

Must make "reasonable accommodations" for those with disabilities (includes pregnancy in New York City).

Disabilities - impairment of functions; in New York City, includes complications resulting from pregnancy.

6. **FAMILY AND MEDICAL LEAVE ACT**

Employers with 50 or more employees must provide unpaid leave up to 12 weeks within a 12 month period for family issues - birth of child, adoption, active duty service, care of family member, etc.

Upon conclusion of leave Employer must provide a comparable job and pay.

Employer is not required to pay Employer share of health insurance premiums but must make COBRA available.

Employee can take 12 weeks intermittently, but must give as much advance notice as possible of need for intermittent leave.

If Employee has been out for more the 3 days, send Employee notice that leave may qualify for FMLA leave and include forms for Employee to have doctor complete.

7. **CRIMINAL HISTORY, BACKGROUND AND CREDIT CHECKS**

Employers with 10 or more Employees must obtain written permission from job applicants to do background checks.

Can refuse to process job application from someone who does not provide written permission.

Cannot deny employment to someone with a criminal conviction unless crime is related to potential job.

If Employer does not provide employment to applicant because of background/credit check, Employer must provide applicant with a copy of any report.