

New York City Employers: Do You Know All the Labor and Employment Laws that Apply to Your Business?

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Business owners in and around New York City have a greater number of legal obligations than do employers in almost every other region in the United States. Why? Because New York City business owners stand at the intersection of three sets of rigorous labor and employment laws.

Federal Laws that Apply to Business Owners in and Around New York City

Regardless of their location, size, or industry, all employers in the US must follow certain labor and employment laws. These include, but are not limited to, the following:

- **The Occupational Safety and Health Act (OSHA)**, which requires employers to maintain safe working environments.
- **Title VII of the Civil Rights Act**, which protects workers from discrimination on the basis of race, color, religion, sex, age, national origin, and other specified characteristics.
- **The Americans with Disabilities Act (ADA)**, which prohibits discrimination on the basis of disability and obligates employers to provide reasonable accommodations for people with disabilities.
- **The Family Medical Leave Act (FMLA)**, which requires certain “covered” employers to provide employees with unpaid leave under certain qualified circumstances.

Other federal labor and employment laws that may impact your business include regulations related to employee benefits, unions, family and medical leave, veterans, and more.

State Laws that Apply to Business Owners in and Around New York City

In addition to federal laws enforced by the Department of Labor, New York employers face a large number of state-level regulations and requirements in categories such as the following:

- fair employment
- equal pay
- salary history questions
- overtime

- background checks
- healthcare and benefits
- pregnancy accommodations
- paid family leave and other paid time off
- whistleblower protections
- smoke-free workplaces

The state's equal employment opportunity (EEO) rules are broader as well. Employers may not discriminate against victims of domestic violence, on the basis of an individual's sexual orientation, or—as codified by the recent passage of GENDA—on the basis of gender identity and expression.

Local Laws that Apply to Business Owners in and Around New York City

New York City has a wide array of workplace laws, many of which reach beyond state and federal rules in areas such as the following:

- sexual harassment and discrimination in the workplace (read about the “Stop Sexual Harassment in NYC Act” [here](#))
- paid sick leave
- employees' rights to organize
- safe and healthy workplaces

Also in place in New York City are various industry-specific regulations, creating additional requirements for fast food establishments, groceries, apparel makers, nail salons, construction firms, and [other particular kinds of businesses](#).

Navigating Your Many Legal Requirements

The sheer number of laws out there can be dizzying for business owners—and this overview is far from exhaustive. Moreover, if you are located in Nassau, Suffolk, or Westchester Counties in New York, or in Bergen County in New Jersey, there may be additional laws in those particular counties to keep in mind.

To stay on top of the myriad rules that apply to your business, you will need more than a simple list of what you can and cannot do. As a business owner, you need to make sure to a) comply with all applicable laws, and b) understand the nuances of and interactions between those laws.

For example, you can ask a potential employment candidate about a felony conviction in New York State, but in NYC, you can only ask that question after a conditional offer of employment has been made. In either case, you may not use that felony conviction to deny the applicant the job unless that conviction relates to the job. Say you are hiring someone as a school bus driver, and they were arrested for fraud and embezzlement. As long as they will not have any access to money in their role, you might have a problem denying that person the school bus job even in light of their past conviction. This might not be the case, however, if that prior conviction was for sexual offenses against children. In any event, if the applicant is denied employment based upon that conviction, the employer must provide a written statement explaining the reasons for this denial within 30 days of the applicant's request.

These are critical concerns for any employer, especially any small to mid-sized company. A single lawsuit brought under federal, state, or local regulations can have catastrophic effects on the future of your business.

Until next time, if you have any questions about the rules that apply to your business, or any other Labor and Employment Law matter, please [contact me](#).

