



Worker Benefits and Housing March 9, 2016

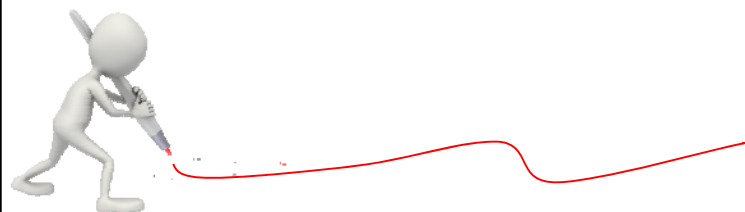
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Disclaimer: This presentation is intended for general information purposes only and does not constitute legal advice. Specific questions and requests for legal advice should be addressed to legal counsel.



New York Law Requires Farms To Put It In Writing

- NY Labor Law Section 195 – Pay Notice
- NY Farm Minimum Wage Order Part 190
- Pay Notice and Work Agreement for Farm Workers (LS309)



Minimum Wage Standards for Farm Workers – 12 NYCRR Part 190

- The Minimum Wage Order for Farm Workers applies only to farm workers employed on farms where the total cash remuneration paid all persons employed on the farm exceeded \$3,000 in the previous calendar year.
- The Minimum Wage Order for Farm Workers provides that all workers, with certain exceptions, must be paid at least \$9.00 per hour. This does not include:
 - Members of the employer's immediate family



Minimum Wage Standards for Farm Workers (Continued...)

- The wage order permits employers to deduct specified allowances from the minimum wage for:
 - Meals
 - Lodging (except for seasonal migrant workers)
 - Payments in kind must cost no more than the farm market value.
- Employers must post these items in a conspicuous place in their establishment:
 - A summary of the wage order
 - A copy of the general work agreement

New York State Department of Labor
Division of Labor Standards

Pay Notice and Work Agreement for Farm Workers

This notice, when properly completed, satisfies the:

- Pay notice provisions of Section 195 of the NYS Labor Law
- Written work agreement provisions of Part 190, the Farm Minimum Wage Order

1. Employer Information:
Name _____ Phone _____
Doing Business As (DBA) Name(s) _____
Physical Address _____
Mailing Address _____
FEBN (optional) _____

2. Notice given: ☐ At hiring ☐ Before a change in pay rates, allowances claimed, or payday

3. Specific Location Where Workers Will Work _____

4. Types of Work to Be Performed: _____

5. Hours for Standard Work Day: _____ Hours for Standard Work Week: _____

6. Describe Housing Arrangements, if Any, Including Number of Rooms and Cooking Facilities: _____

7. Employee's Rate(s) of Pay: Indicate Basis (Per Hour, Shift, Day, Week, Salary, or Per Unit). Give capacity of unit. Payday _____
For Week Ending _____

8. Allowances, if Any, To Be Credited Towards Minimum Wage: Meals # _____ \$ _____
Lodging \$ _____ Payments in Kind (specify) _____

9. All Other Planned Payroll Deductions (e.g., Social Security, taxes, other) _____

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New York State Department of Labor
Division of Labor Standards

Pay Notice and Work Agreement for Farm Workers

This notice, when properly completed, satisfies the:

- Pay notice provisions of Section 195 of the NYS Labor Law
- Written work agreement provisions of Part 190, the Farm Minimum Wage Order

1. Employer Information:
Name The North American Creamery LLC Phone (555) 555-5555
Doing Business As (DBA) Name(s) The Happy Cow
Physical Address 52 Ice Cream Avenue, Ballston Spa, NY 12020
Mailing Address PO Box 5050, Ballston Spa, NY 12020
FEBN (optional) 12-3456789

2. Notice given: ☒ At hiring ☐ Before a change in pay rates, allowances claimed, or payday

3. Specific Location Where Workers Will Work: _____

4. Types of Work to Be Performed:
The Miker will feed cows and milk them three times per day. Miker must check the cows for mastitis and perform general farm labor including operating the skid steer and cleaning stalls.

5. Hours for Standard Work Day: 7 1/2 Hours for Standard Work Week: 30 1/2

6. Describe Housing Arrangements, if Any, Including Number of Rooms and Cooking Facilities:
Each worker will share a bedroom in a single-family, wood-framed home with five bedrooms, two people per room. The house includes two full bathrooms, washer and dryer. The owner will prepare and serve 3 meals per day to the workers. Transportation to and from the work site will also be provided by the employer, at no cost to the workers.

7. Employee's Rate(s) of Pay: Indicate Basis (Per Hour, Shift, Day, Week, Salary, or Per Unit). Give capacity of unit. Payday last Friday
For Week Ending Previous Saturday
\$9.00 per hour

8. Allowances, if Any, To Be Credited Towards Minimum Wage: Meals # 1 \$ 1.70 (\$35.70/week)
Lodging \$ 5.00/week (\$42.00/week) Payments in Kind (specify) none \$ 0

9. All Other Planned Payroll Deductions (e.g., Social Security, taxes, other)
Worker must pay taxes, social security and other taxes as required by federal, state and local regulations.

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MICHAEL BEST
& FRIEDRICH LLP

Pay Notice & Work Agreement – Form LS118

- NYS Labor Law requires you to give employees a written pay notice:
 - At hiring
 - On or before February 1st of each subsequent year
(The law does not say this! The Form has been changed)
 - In advance of any reduction in the rate of pay; and
 - Whenever there is a change in any of the information, unless it will be shown on the next paystub

New York State Department of Labor
Division of Labor Standards

Pay Notice and Work Agreement for Farm Workers

This notice, when properly completed, satisfies the:

- Pay notice provisions of Section 195 of the NYS Labor Law
- Written work agreement provisions of Part 190, the Farm Minimum Wage Order

1. Employer Information:
Name The North American Creamery LLC Phone (555) 555-5555
Doing Business As (DBA) Name(s) The Happy Cow
Physical Address 52 Ice Cream Avenue, Ballston Spa, NY 12020
Mailing Address PO Box 5050, Ballston Spa, NY 12020
FEBN (optional) _____

2. Notice given: ☒ At hiring ☐ Before a change in pay rates, allowances claimed, or payday

3. Specific Location Where Workers Will Work: 52 Ice Cream Avenue, Ballston Spa, NY 12020

4. Types of Work to Be Performed:
The Miker will feed cows and milk them three times per day. Miker must check the cows for

6. Describe Housing Arrangements, If Any, Including Number of Rooms and Cooking Facilities:
Each worker will share a bedroom in a single-family, wood-framed home with five bedrooms, two people per room. The house includes two full bathrooms, washer and dryer. The owner will prepare and serve 3 meals per day to the workers. Transportation to and from the work site will also be provided by the employer, at no cost to the workers.

7. Employee's Rate(s) of Pay: Indicate Basis (Per Hour, Shift, Day, Week, Salary, or Per Unit). Give capacity of unit. Payday last Friday
For Week Ending Previous Saturday
\$9.00 per hour

8. Allowances, if Any, To Be Credited Towards Minimum Wage: Meals # 1 \$ 1.70 (\$35.70/week)
Lodging \$ 5.00/week (\$42.00/week) Payments in Kind (specify) none \$ 0

9. All Other Planned Payroll Deductions (e.g., Social Security, taxes, other)
Worker must pay taxes, social security and other taxes as required by federal, state and local regulations.

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Housing Arrangements

- Single Occupancy (private room in a shared residence)
- Multiple Occupancy (shared room/dorm arrangement)
- Individual Apartment
- Individual Apartment (with family)



New York State Department of Labor
Division of Labor Standards
Pay Notice and Work Agreement for Farm Workers

This notice, when properly completed, satisfies the:
• Pay notice provisions of Section 195 of the NYS Labor Law
• Written work agreement provisions of Part 190, the Farm Minimum Wage Order

- Employer Information:**
Name: The North American Creamery LLC Phone: (555) 555-5555
Doing Business As (DBA) Name(s): The Happy Cow
Physical Address: 52 Ice Cream Avenue, Ballston Spa, NY 12020
Mailing Address: PO Box 5050, Ballston Spa, NY 12020
FEIN (optional): 12-3456789
- Notice given: ☒ At hiring ☐ Before a change in pay rates, allowances claimed, or payday
- Specific Location Where Workers Will Work: 52 Ice Cream Avenue, Ballston Spa, NY 12020
- Types of Work to Be Performed:
The Miker will feed cows and milk them three times per day. Miker must check the cows for mastitis and perform general farm labor including operating the skid steer and cleaning stalls.
- Hours for Standard Work Day: 7 1/2 Hours for Standard Work Week: 30 1/2
- Describe Housing Arrangements, if Any, Including Number of Rooms and Cooking Facilities:

7. Employee's Rate(s) of Pay. Indicate Basis (Per Hour, Shift, Day, Week, Salary, or Per Unit). Give capacity of unit.

\$9.00 per hour

- Allowances, if Any, To Be Credited Towards Minimum Wage: Meals # 1 \$ 1.70 (\$35.70/week)
Lodging \$ 5.00/week (\$4.00/week) Payments in Kind (specify) none \$ 0

- All Other Planned Payroll Deductions (e.g., Social Security, taxes, other)
Worker must pay taxes, social security and other taxes as required by federal, state and local regulations.



New York State Department of Labor
Division of Labor Standards
Pay Notice and Work Agreement for Farm Workers

This notice, when properly completed, satisfies the:
• Pay notice provisions of Section 195 of the NYS Labor Law
• Written work agreement provisions of Part 190, the Farm Minimum Wage Order

- Employer Information:**
Name: The North American Creamery LLC Phone: (555) 555-5555
Doing Business As (DBA) Name(s): The Happy Cow
Physical Address: 52 Ice Cream Avenue, Ballston Spa, NY 12020
Mailing Address: PO Box 5050, Ballston Spa, NY 12020
FEIN (optional): 12-3456789
- Notice given: ☒ At hiring ☐ Before a change in pay rates, allowances claimed, or payday
- Specific Location Where Workers Will Work: 52 Ice Cream Avenue, Ballston Spa, NY 12020
- Types of Work to Be Performed:
The Miker will feed cows and milk them three times per day. Miker must check the cows for mastitis and perform general farm labor including operating the skid steer and cleaning stalls.
- Hours for Standard Work Day: 7 1/2
- Describe Housing Arrangements, if Any, Inc.
Each worker will share a bedroom in a single-family includes two full bedrooms, washer and dryer. The transportation to and from the work site will also be provided.
- Employee's Rate(s) of Pay. Indicate Basis (Salary, or Per Unit). Give capacity of unit.
\$9.00 per hour

**Payday Every Friday
For
Week Ending Previous Saturday**

- Allowances, if Any, To Be Credited Towards Minimum Wage: Meals # 1 \$ 1.70 (\$35.70/week)
Lodging \$ 5.00/week (\$4.00/week) Payments in Kind (specify) none \$ 0

- All Other Planned Payroll Deductions (e.g., Social Security, taxes, other)
Worker must pay taxes, social security and other taxes as required by federal, state and local regulations.

Wage Statement (pay stub) for Agricultural Employers Only: Required Information under Section 195.3

1. Employer name, address, and phone number									
2. Employee name									
3. Dates covered by payment									
4. Basis of payment (hourly, salary, etc.)									
5. Rates paid									
6. Hours worked									
7. Allowances or Credits									
8. Gross wages									
9. Any deductions from wages									
10. Net wages									

This sample wage statement shows the basic requirements of 195.3 for an agricultural employer, paid by the hour and by piece rate, as well as covered by Part 190 Minimum Wage Order for Farm Workers. Please note that there may be additional requirements based upon the specific pay agreement and/or wage order coverage.

Are You Supplying Complete Pay Stubs to Employees?



February 12, 2015

- Name of Company
- Address
- Phone Number
- Employee Wage/Piece Rate or Salary Amount
- Employee Withholding Taken Out

New York State Department of Labor
Division of Labor Standards
Pay Notice and Work Agreement for Farm Workers

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 • Pay notice provisions of Section 195 of the NYS Labor Law
 • Written work agreement provisions of Part 190, the Farm Minimum Wage Order

1. Employer Information:
 Name The North American Creamery LLC Phone (555) 555-5555
 Doing Business As (DBA) Name(s) The Happy Cow
 Physical Address 52 Ice Cream Avenue, Ballston Spa, NY 12020
 Mailing Address PO Box 5050, Ballston Spa, NY 12020
 FEIN (optional) 12-3456789

2. Notice given: ☒ At hiring ☐ Before a change in pay rates, allowances claimed, or payday

3. Specific Location Where Workers Will Work: 52 Ice Cream Avenue, Ballston Spa, NY 12020

4. Types of Work to Be Performed:
 The Miker will feed cows and milk them three times per day. Miker must check the cows for mastitis and perform general farm labor including operating the skid steer and cleaning stalls.

5. Hours for Standard Work Day 1/2 Hours for Standard Work Week 52 1/2

6. Describe Housing Arrangements, if Any, including Number of Rooms and Cooking Facilities:
 Each worker will share a bedroom in a single-family, wood-framed home with five bedrooms, two people per room. The house includes two full bathrooms, washer and dryer. The owner will prepare and serve 3 meals per day to the workers. Transportation to and from the work site will also be provided by the employer, at no cost to the workers.

7. Employee's Rate(s) of Pay. Indicate Basis (Per Hour, Shift, Day, Week, Payday 12/25/2020
 Salary, or Per Unit). Give capacity of unit. For Week Ending 12/25/2020
\$9.00 per hour

8. Allowances, If Any, To Be Credited Towards Minimum Wage: \$ 1.70 (\$35.70/week)
\$2

9. All Other Planned Payroll Deductions (e.g., Social Security, taxes, other)
 Worker must pay taxes, social security and other taxes as required by federal, state and local regulations.

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12 NYCRR § 190-3.1 Allowances

- Meals
- Lodging and utilities
- Payments in kind acceptable to the employee may be considered as part of the minimum wage, but shall be valued at not more than the farm market value at the time such payments were provided

New York State Department of Labor
Division of Labor Standards
Pay Notice and Work Agreement for Farm Workers

This notice, when properly completed, satisfies the:
 • Pay notice provisions of Section 195 of the NYS Labor Law
 • Written work agreement provisions of Part 190, the Farm Minimum Wage Order

1. Employer Information:
 Name The North American Creamery LLC Phone (555) 555-5555
 Doing Business As (DBA) Name(s) The Happy Cow
 Physical Address 52 Ice Cream Avenue, Ballston Spa, NY 12020
 Mailing Address PO Box 5050, Ballston Spa, NY 12020
 FEIN (optional) 12-3456789

2. Notice given: ☒ At hiring ☐ Before a change in pay rates, allowances claimed, or payday

3. Specific Location Where Workers Will Work: 52 Ice Cream Avenue, Ballston Spa, NY 12020

4. Types of Work to Be Performed:
 The Miker will feed cows and milk them three times per day. Miker must check the cows for mastitis and perform general farm labor including operating the skid steer and cleaning stalls.

5. Hours for Standard Work Day 1/2 Hours for Standard Work Week 52 1/2

6. Describe Housing Arrangements, if Any, including Number of Rooms and Cooking Facilities:
 Each worker will share a bedroom in a single-family, wood-framed home with five bedrooms, two people per room. The house includes two full bathrooms, washer and dryer. The owner will prepare and serve 3 meals per day to the workers. Transportation to and from the work site will also be provided by the employer, at no cost to the workers.

7. Employee's Rate(s) of Pay. Indicate Basis (Per Hour, Shift, Day, Week, Payday 12/25/2020
 Salary, or Per Unit). Give capacity of unit. For Week Ending 12/25/2020
\$9.00 per hour

Lodging \$ 6.00/day (\$42.00/week) Meals # 1 \$ 1.70 (\$35.70/week)
\$2 cty) none

9. All Other Planned Payroll Deductions (e.g., Social Security, taxes, other)
 Worker must pay taxes, social security and other taxes as required by federal, state and local regulations.

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 & FRIEDRICH LLP

Allowances for Housing Arrangements

\$18.95/Week

- Single Occupancy (private room in a shared residence)

\$12.65/Week

- Multiple Occupancy (shared room/dorm arrangement)

\$5.00/Day

- Individual Apartment

\$8.00/Day

- Individual Apartment (with family)

New York State Department of Labor
Division of Labor Standards
Pay Notice and Work Agreement for Farm Workers

This notice, when properly completed, satisfies the:

- Pay notice provisions of Section 193 of the NYS Labor Law
- Written work agreement provisions of Part 190, the Farm Minimum Wage Order

1. Employer Information:
 Name: The North American Creamery LLC Phone: (555) 555-5555
 Doing Business As (DBA) Name(s): The Happy Cow
 Physical Address: 52 Ice Cream Avenue, Ballston Spa, NY 12020
 Mailing Address: PO Box 5050, Ballston Spa, NY 12020
 FEIN (optional): 12-3456789

2. Notice given: ☒ At hiring ☐ Before a change in pay rates, allowances claimed, or payday

3. Specific Location Where Workers Will Work: 52 Ice Cream Avenue, Ballston Spa, NY 12020

4. Types of Work to Be Performed:
 The Miker will feed cows and milk them three times per day. Miker must check the cows for mastitis and perform general farm labor including operating the skid steer and cleaning stalls.

5. Hours for Standard Work Day: 1 1/2 Hours for Standard Work Week: 32 1/2

6. Describe Housing Arrangements, if Any, including Number of Rooms and Cooking Facilities:
 Each worker will share a bedroom in a single family, wood-framed home with five bedrooms, two people per room. The house includes two full bathrooms, washer and dryer. The owner will prepare and serve 3 meals per day to the workers. Transportation to and from the work site will also be provided by the employer, at no cost to the workers.

7. Employee's Rate(s) of Pay. Indicate Basis (Per Hour, Shift, Day, Week, Payday) per hour
 Salary, or Per Unit(s). Give capacity of unit. For Week Ending Previous Saturday
\$0.00 per hour

8. Allowances, if Any, To Be Credited Towards Minimum Wage: Meals # 1 \$ 1.70 (\$35.70/week)
 Lodging \$ 0.00 (\$0.00/week) Payments in Kind (specify) none \$ 0

9. All Other Planned Payroll Deductions (e.g., Social Security, taxes, other)
 Worker must pay taxes, social security and other taxes as required by federal, state and local regulations.

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NY Labor Law §193 Deductions from wages*

1. No employer shall make any deduction from the wages of an employee, except deductions which:
 - a) are made in accordance with the provisions of any law or any rule or regulation issued by any governmental agency; or
 - b) are expressly authorized in writing by the employee and are for the benefit of the employee; provided that such authorization is kept on file on the employer's premises. Such authorized deductions shall be limited to payments for insurance premiums, pension or health and welfare benefits, contributions to charitable organizations, payments for United States bonds, payments for dues or assessments to a labor organization, and similar payments for the benefit of the employee.

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NY Labor Law §193 Deductions from wages* (Cont'd...)

2. No employer shall make any charge against wages, or require an employee to make any payment by separate transaction unless such charge or payment is permitted as a deduction from wages under the provisions of subdivision one of this section.

* NB Effective November 6, 2015

MICHAEL BEST & FRIEDRICH LLP

Deductions

- Deductions that the worker has authorized ***in writing and for his or her benefit***
- In order to make deductions for housing the employer must have the agreement in writing
- In order for the housing to be for the employee's benefit, it must be voluntary, and must not be for the employer's benefit

What Are Similar Payments for the Benefit of the Employee Under Section 193?

A payment benefits the employee if it provides financial or other support for the employee, or his or her family.

To be considered "similar" a payment must fall into one of the following categories:

- health and welfare benefits;
- pension and retirement benefits;
- child care and educational benefits;
- charitable benefits;
- dues and assessments;
- transportation; and
- food and lodging

Some of these categories of benefits are not typically offered to workers in agriculture.
If you believe you provide one of these benefits, please contact the Department of Labor at:
Phone: (877) 466-9797 or Email: dola@labor.ny.gov

What about Housing and Utilities?

Deductions for housing are not allowed; however, you can take an allowance towards the minimum wage.

For workers who are not migrant or seasonal farm workers, you may consider a housing allowance (that includes utilities) towards meeting the minimum wage, as follows:

- \$18.95/week for single occupancy (private room in shared residence)
- \$12.65/week for multiple occupancy (shared room/dorm arrangement)
or
- \$5.00/day for an individual apartment
- \$8.00/day for individual apartment with family

Note: Housing and utilities provided to *migrant and seasonal farm workers* must be free.



12 NYCRR § 195-2.1 Prohibited Practices

(a) Wage deductions. No employer shall make any deductions from wages except those that fall within the following four categories:

- (1) Any deductions made in accordance with any law, rule or regulation issued by any governmental agency;
- (2) Deductions specified by, or similar to those specified by, section 193 of the Labor Law, authorized by, and for the benefit of, the employee;
- (3) Deductions for the recovery of overpayments made in accordance with this Part; and
- (4) Deductions for the repayment of wage advances made in accordance with this Part.

12 NYCRR § 195-2.1 Prohibited Practices (Cont'd...)

(b) Separate transactions. No employer shall make any charge against wages, or require an employee to make any payment by separate transaction unless such charge or payment is permitted as a deduction from wages under this Part or is permitted or required under any provision of a current collective bargaining agreement.

II. Chart of Laws Governing Wage Deductions

Deduction / Benefit	NYDOL Position	Statute and Regulation
HSA	Allowed as a voluntary deduction expressly authorized in writing by the employee and for the benefit of the employee	12 NYCRR 195-2.1; NY Labor Law 193
IRA	See above	See above
Health Insurance	See above	See above
Child Support	Allowed as a deduction in accordance with any law, rule or regulation	12 NYCRR 195-2.1; NY Labor Law 193





II. Chart of Laws Governing Wage Deductions

(Continued....)

Deduction / Benefit	NYDOL Position	Statute and Regulation
Housing	Housing and utilities may not be deducted from wages except as an allowance permitted under NYDOL Minimum Wage Order 190. See https://labor.ny.gov/formsdocs/dipa/p737.pdf ; https://www.labor.ny.gov/immigrants/PDF/deductions-webinar.pdf ("Deductions for housing are not allowed; however, you can take an allowance towards the minimum wage.")	Minimum Wage Order 190; NY Labor Law 193; NYCRR 195-2.1, 195-4.4, and 195-4.3

II. Chart of Laws Governing Wage Deductions

(Continued....)

Deduction / Benefit	NYDOL Position	Statute and Regulation
Housing (Continued....)	For workers who are not migrant or seasonal farm workers, you may consider a housing allowance (that includes utilities) towards meeting the minimum wage, as follows: •\$18.95/week for single occupancy (private room in shared residence) •\$12.65/week for multiple occupancy (shared room/dorm arrangement) or •\$5.00/day for an individual apartment •\$8.00/day for individual apartment with family	Minimum Wage Order 190; NY Labor Law 193; NYCRR 195-2.1, 195-4.4, and 195-4.3



II. Chart of Laws Governing Wage Deductions

(Continued....)

Deduction / Benefit	NYDOL Position	Statute and Regulation
Utility Deduction	See above. Limits on housing deductions also restrict what can be deducted for utilities. For example, the \$5/day limit on deductions for individual apartments includes both rent and utilities	See above
Clothing / Uniform	NYDOL has taken the position that no such deductions are allowed. See https://labor.ny.gov/formsdocs/dipa/p737.pdf	NY Labor Law 193; NYCRR 195-2.1, 195-4.4, and 195-4.3
Wage Advances	Allowed in accordance with NYDOL's Written Authorization for Wage Advances form	NY Labor Law 193; NYCRR 195-5.2

10. Benefits to Be Provided By Employer (Sick Leave, Vacation, Personal Leave, Holidays, Other)

Worker will have 5 personal days and 5 sick days. After 1 year of employment, (s)he will receive 5 vacation days. These benefits are forfeited if not used within one calendar year after they are earned.

Child Care, Schooling, etc.:
Worker will be provided weekly transportation to the store in addition to round trip transportation from the housing location to the worksite each day.

13. Will Overtime Be Paid at a Higher Rate? ☒ No ☐ Yes If "Yes," specify agreement with worker regarding overtime.

14. Employee Acknowledgment: On this day, I have been notified of my pay rate, overtime rate (if any), allowances, and designated payday. I told my employer what my primary language is.

Check one: ☒ I have been given this pay notice in English because it is my primary language, or
☐ I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language, which is _____

Print Employee Name Juan Carlos Valdez

Signature _____ Date _____

15. Preparer's Name & Title Matthew Bates, Owner Signature _____

The employee must receive a signed copy of this form. The employer must keep a copy for 6 years.

Instructions and additional information:

Section 195 requires that the information on this notice be provided in writing to all employees the time of hiring, and on or before February first of each subsequent year of employment.

Section 195 also requires employers to notify employees in writing of any changes to the information at least seven calendar days prior to the time of such changes, unless such changes are reflected on the employee's wage statement. However, even if the change will be reflected on the employee's wage statement, employers may not lower an employee's rate(s) of pay without notifying the employee before the work is performed.

Section 195 also requires that the information on this notice be provided in English and in the employee's primary language, if other than English. If the NYS Department of Labor provides a template in that language, if the NYS Department of Labor does not provide a template in that other language on its website, then the notice may be provided in English only.

Section 195 also requires that employers notify their employees in writing or by publicly posting their policy on sick leave, vacation, personal leave, holidays and hours.

Section 195 also requires that employers preserve their payroll records for 6 years.

The Minimum Wage Order for Farm Workers requires that employers post, in a conspicuous place on the farm, a copy of any generally applicable work agreement and a posting issued by the NYS Department of Labor summarizing the Farm Minimum Wage provisions.

10. Benefits to Be Provided By Employer (Sick Leave, Vacation, Personal Leave, Holidays, Other)
Worker will have 5 personal days and 5 sick days. After 1 year of employment, (s)he will receive 5 vacation days. These benefits are forfeited if not used within one calendar year after they are earned.

11. Approximate Period of Employment: From 1/3/2018 To 12/31/2018

12. Non-Economic Terms and Conditions of Employment (e.g., Transportation Availability, Medical Service, Child Care, Schooling, etc.):
Worker will be provided weekly transportation to the store in addition to round trip transportation from the housing location to the worksite each day.

13. Will Overtime Be Paid at a Higher Rate? ☒ No ☐ Yes If "Yes," specify agreement with worker regarding overtime:

14. Employee Acknowledgment: On this day, I have been notified of my pay rate, overtime rate (if any), allowances, and designated payday. I told my employer what my primary language is.
Check one: ☒ I have been given this pay notice in English because it is my primary language, or ☐ I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language, which is _____
Print Employee Name Juan Carlos Valdez
Signature _____ Date _____

15. Preparer's Name & Title Matthew Bates, Owner Signature _____

The employee must receive a signed copy of this form. The employer must keep a copy for 6 years.

Instructions and additional information:

Section 195 requires that the information on this notice be provided in writing to all employees the time of hiring, and on or before February first of each subsequent year of employment.

Section 195 also requires employers to notify employees in writing of any changes to the information at least seven calendar days prior to the time of such changes, unless such changes are reflected on the employee's wage statement. However, even if the change will be reflected on the employee's wage statement, employers may not lower an employee's rate(s) of pay without notifying the employee before the work is performed.

Section 195 also requires that employers notify their employees in writing or by publicly posting their policy on sick leave, vacation, personal leave, holidays and hours.

Section 195 also requires that employers preserve their payroll records for 6 years.

The Minimum Wage Order for Farm Workers requires that employers post, in a conspicuous place on the farm, a copy of any generally applicable work agreement and a posting issued by the NYS Department of Labor summarizing the Farm Minimum Wage provisions.

provided in English and in the employee's primary language, if other than English,

10. Benefits to Be Provided By Employer (Sick Leave, Vacation, Personal Leave, Holidays, Other)
Worker will have 5 personal days and 5 sick days. After 1 year of employment, (s)he will receive 5 vacation days. These benefits are forfeited if not used within one calendar year after they are earned.

11. Approximate Period of Employment: From 1/3/2018 To 12/31/2018

12. Non-Economic Terms and Conditions of Employment (e.g., Transportation Availability, Medical Service, Child Care, Schooling, etc.):
Worker will be provided weekly transportation to the store in addition to round trip transportation from the housing location to the worksite each day.

13. Will Overtime Be Paid at a Higher Rate? ☒ No ☐ Yes If "Yes," specify agreement with worker regarding overtime:

14. Employee Acknowledgment: On this day, I have been notified of my pay rate, overtime rate (if any), allowances, and designated payday. I told my employer what my primary language is.
Check one: ☒ I have been given this pay notice in English because it is my primary language, or ☐ I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language, which is _____
Print Employee Name Juan Carlos Valdez
Signature _____ Date _____

15. Preparer's Name & Title Matthew Bates, Owner Signature _____

The employee must receive a signed copy of this form. The employer must keep a copy for 6 years.

Instructions and additional information:

Section 195 requires that the information on this notice be provided in writing to all employees the time of hiring, and on or before February first of each subsequent year of employment.

Section 195 also requires employers to notify employees in writing of any changes to the information at least seven calendar days prior to the time of such changes, unless such changes are reflected on the employee's wage statement. However, even if the change will be reflected on the employee's wage statement, employers may not lower an employee's rate(s) of pay without notifying the employee before the work is performed.

Section 195 also requires that employers notify their employees in writing or by publicly posting their policy on sick leave, vacation, personal leave, holidays and hours.

Section 195 also requires that employers preserve their payroll records for 6 years.

The Minimum Wage Order for Farm Workers requires that employers post, in a conspicuous place on the farm, a copy of any generally applicable work agreement and a posting issued by the NYS Department of Labor summarizing the Farm Minimum Wage provisions.

in writing or by publicly posting their policy on sick leave, vacation, personal leave, holidays and hours.

10. Benefits to Be Provided By Employer (Sick Leave, Vacation, Personal Leave, Holidays, Other)
Worker will have 5 personal days and 5 sick days. After 1 year of employment, (s)he will receive 5 vacation days. These benefits are forfeited if not used within one calendar year after they are earned.

11. Approximate Period of Employment: From 1/3/2018 To 12/31/2018

12. Non-Economic Terms and Conditions of Employment (e.g., Transportation Availability, Medical Service, Child Care, Schooling, etc.):
Worker will be provided weekly transportation to the store in addition to round trip transportation from the housing location to the worksite each day.

13. Will Overtime Be Paid at a Higher Rate? ☒ No ☐ Yes If "Yes," specify agreement with worker regarding overtime:

14. Employee Acknowledgment: On this day, I have been notified of my pay rate, overtime rate (if any), allowances, and designated payday. I told my employer what my primary language is.
Check one: ☒ I have been given this pay notice in English because it is my primary language, or ☐ I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language, which is _____
Print Employee Name Juan Carlos Valdez
Signature _____ Date _____

15. Preparer's Name & Title Matthew Bates, Owner Signature _____

The employee must receive a signed copy of this form. The employer must keep a copy for 6 years.

Instructions and additional information:

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Section 195 also requires that the information on this notice be provided in English and in the employee's primary language, if other than English, if the NYS Department of Labor provides a template in that language. If the NYS Department of Labor does not provide a template in that other language on its website, then the notice may be provided in English only.

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a copy of any generally applicable work agreement

NEW YORK
Department of Labor
Post Conspicuously

ATTENTION EMPLOYEES

(ATENCIÓN EMPLEADOS)

AGRICULTURAL MINIMUM WAGE INFORMATION

(INFORMACIÓN SOBRE EL SALARIO MÍNIMO PARA LA AGRICULTURA)

Effective 12/31/15
Basic Hourly Rate
\$9.00 per hour

A partir del 12/31/15
Salario Mínimo
\$9.00 por hora

Meals and Lodging
A specific credit may be granted toward the minimum wage for meals and/or lodging provided by the employer.

Federal Law
Employees covered under the federal Fair Labor Standards Act must be paid in accordance with State law and also in accordance with higher federal requirements, where applicable.

Other Wage Requirements
A specific amount must be paid, in addition to the minimum wage, for the maintenance of required uniforms. There are provisions for other supplemental wages in New York State Industry wage orders. These may include a part-time rate, daily call-in pay, and a rate for split shift or spread of hours. Whether a particular supplemental wage applies depends on the provisions of the industry wage order covering the employment.

For additional information or to file a complaint
Write or call the Department of Labor, Division of Labor Standards at one of the offices listed below.

State Office Building Campus Albany, NY 12242 (518) 457-2730	400 Oak Street Garden City, NY 11530 (516) 794-6195	333 E. Washington Street Syracuse, NY 13202 (315) 426-4057
44 Hawley Street Binghamton, NY 13901 (607) 725-6024	75 Varick Street, 7 th Fl. New York, NY 10013 (212) 775-3800	120 Bloomingdale Road White Plains, NY 10605 (914) 997-6521
65 Court Street Buffalo, NY 14202 (716) 947-7141	276 Waring Road, Rm. 104 Rochester, NY 14609 (585) 258-4850 (toll-free) (800-456-4347)	For additional information: www.labor.ny.gov

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. En cumplimiento del Título del Estado de Nueva York en su artículo del artículo 15-A del Programa de Igualdad de Oportunidades, servicios auxiliares para personas con discapacidades e instrumentos para aquellos con discapacidades o dificultades de visión están disponibles.

LS 109 (12-15)

MICHAEL BEST & FRIEDRICH LLP

Is a Lease Required?

- Lease is a contract – must be signed
- Employment is at-will
- A lease changes your relationship relative to housing rights



MICHAEL BEST & FRIEDRICH LLP

What if No Lease?

- Without a lease, renters who pay monthly rent are “month to month” tenants
- Tenants who stay past the end of a lease are “month to month” tenants if the landlord accepts the rent.

MICHAEL BEST & FRIEDRICH LLP

Lease Requirements

- Use words with common and everyday meanings
- Clear and coherent
- Sections appropriately captioned
- Print must be large enough to be read easily



Lease Prohibitions

- Exempting landlords from liability for injuries to persons or property caused by the landlord's negligence, or that of the landlord's employees or agents
- Waiving the tenant's rights to a jury trial in any lawsuit brought by either of the parties against the other for personal injury or property damage
- Requiring tenants to pledge their household furniture as security for rent
- If lease states that landlord may recover attorney's fees and costs incurred if a lawsuit arises, a tenant automatically has a reciprocal right to recover those fees as well

Eviction

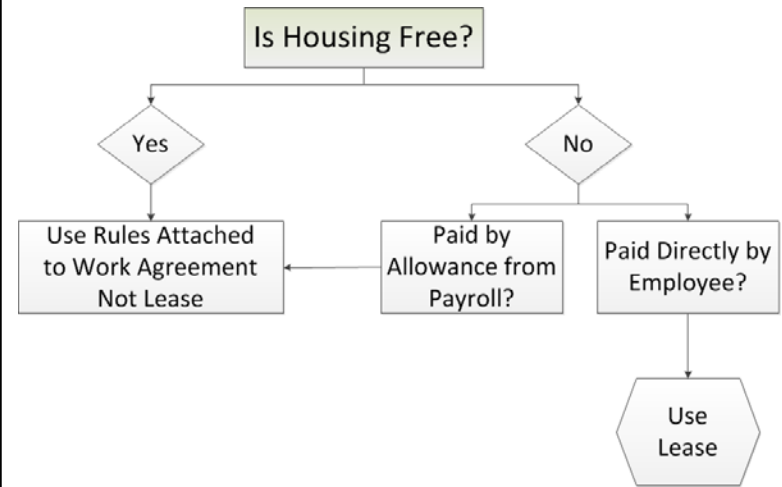
- Tenant protected from eviction during lease term *(Except for significant violations of lease or local housing laws or codes)*
- Tenant can be legally evicted only after landlord has brought a court proceeding and obtained judgment of possession
- Only a sheriff, marshal, or constable can carry out court warrant to evict
- Don't take the law into your own hands, use force or other unlawful means *(Triple damages)*

Eviction *(Continued....)*

- Must give tenant reasonable amount of time to remove belongings
- You may not retain personal belongings or furniture
- Month to Month – one month's notice required



Conclusions about Leases



Right's of Tenants

Privacy and Guests

Warranty of Habitability

Specific Safety and Health

List of Standards that Affect Farmworker Housing

- Bathing Facilities
- Fire and Smoke Detection
- Flooring Requirements
- Garbage
- Heating
- Laundry
- Light and Ventilation

List of Standards that Affect Farmworker Housing

- Public Health Hazards
- Screening
- Sewerage
- Sleeping Quarters
- Toilet Facilities
- Water Supply

Questions?

