

## LABOR & EMPLOYMENT CLIENT ALERT

As 2017 gets into full swing, we wanted to call your attention to some key areas where the law in NY and/or NYC has changed over the past year. We are available to discuss best practices for incorporating these new measures into your policies and procedures, as well as any questions you may have about how your employees may be impacted by the changes.

- The Stop Credit Discrimination in Employment Act ("SCDEA") went into effect in late 2015. This amendment to the New York City Human Rights law prohibits employers from using applicant's credit history as a factor during the hiring process (with very limited exceptions). The fact sheet for the law can be found [here](#).
- The New York City Commuter Benefits Law went into effect on January 1, 2016. The law requires employers with 20 or more full-time employees in New York City to offer FT employees the opportunity to use pre-tax income to purchase qualified transportation fringe benefits. The fact sheet is available [here](#).
- As part of the Women's Equality Act, on January 19, 2016, 5 new laws went into effect within NY State. First, the Act strengthens New York's equal pay statute by increasing liquidated damages from 100 to 300% of the underlying wage claim, prohibiting any limitation on an employee's ability to share wage information, and prohibiting the use of prior salary history as a defense. Other aspects of the Act include expanded protections for victims of sexual harassment, recovery of attorneys' fees in employment discrimination cases where sex is the basis of discrimination, a prohibition on discrimination based on familial status, and a requirement that employers provide reasonable accommodations to pregnant employees.
- Mirroring the proposed changes to the FLSA (which are now on hold based on a District Court ruling in Texas), as of December 31, 2016, the NY Labor Law salary requirement for executive and administrative employees who are deemed exempt from OT requirements has increased. [This chart](#) explains the new minimums.
- NYC's Mayor signed the Freelance Isn't Free Act on November 16, 2016. Central components of the law include (1) a requirement of a written contract between the IC and company for any services valued at \$800 or more (including multiple smaller projects aggregated over a 120-day period); (2) payment within 30 days of project completion unless the contract states otherwise; (3) IC's with complaints regarding a failure to pay compensation due can either file a civil action or seek assistance from the N.Y.C. Department of Consumer Affairs; and (4) penalties for individual violations of the Act expressly include the payment of attorneys' fees, and civil penalties of up to \$25,000 may be assessed if the City can prove a pattern or practice. The law takes effect on May 15, 2017.

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