

Required Notice under Article 25-C of the Labor Law

Attention All Drivers of Commercial Vehicles: If You Transport Goods, You are Covered by the Commercial Goods Transportation Industry Fair Play Act

The law says that you are an employee unless:

- Payment for your services is reported on a federal income tax form 1099, if required by law
- And either:
 - You are a separate business entity as defined by law, or
 - You are free from direction and control in performing your job,
 - You are performing work that is not part of the usual work done by the business that hired you, and
 - You have an independently established business.

It is against the law for an employer to misclassify employees as independent contractors or pay employees off the books.

Employee Rights: If you are an employee, you are entitled to state and federal worker protections. These include:

- Unemployment Insurance benefits, if you are unemployed through no fault of your own, able to work and otherwise qualified,
- Workers' Compensation benefits for on-the-job injuries,
- Payment for wages earned, minimum wage and overtime (under certain conditions),
- Prevailing wages on public work projects,
- The provisions of the National Labor Relations Act, and
- A safe work environment.

It is a violation of the law for employers to retaliate against anyone who asserts their rights under the law. Retaliation subjects an employer to civil penalties, a private lawsuit or both.

Independent Contractors: If you are an independent contractor, you must pay all taxes and Unemployment Insurance contributions required by New York State and federal Law.

Penalties for paying workers off the books or improperly treating employees as independent contractors:

• Civil Penalty First offense: Up to \$2,500 per employee

Subsequent offense(s): Up to \$5,000 per employee

• **Criminal Penalty** First offense: Misdemeanor - up to 30 days in jail or up to a \$25,000

fine and debarment from performing public work for up to one year.

Subsequent offense(s): Misdemeanor - up to 60 days in jail or up to a \$50,000 fine and debarment from performing public work for up to 5

years.

If you have questions about your employment status or believe that your employer may have violated your rights and you want to file a complaint, call the Department of Labor at (866) 435-1499 or send an email to dol.misclassified@labor.ny.gov. All complaints of fraud and violations are taken seriously. You can remain anonymous.

Employer Name:

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