

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:

IA 998 (05/22)