



Domestic Employer's Legal Responsibilities in New York State

WHO ARE DOMESTIC WORKERS?

Domestic workers are nannies, childcare providers, home attendants to people with disabilities or seniors, as well as house cleaners, cooks and gardeners who work in private homes. Before hiring a domestic worker you should understand your legal obligations under state and local laws. All domestic workers, regardless of immigration status, are covered by New York labor and human rights laws.

This fact sheet provides general information about state and city laws that protect domestic workers in New York hired directly by private households. It is not intended to provide legal advice. Information regarding employer's responsibilities and worker's rights and protections can be found in various languages on the website for each law.

Domestic employers are strongly encouraged to provide additional benefits and protections above the basic minimum the law requires in order to meet industry standards and ensure your home is a fair workplace.

New York State and New York City laws apply to domestic employers and workers

➤ Domestic Worker Bill of Rights

Under this bill, New York State domestic employers must provide overtime pay, a weekly day of rest, three paid days of rest each year, unemployment, disability insurance and workers compensation.

- [Fact sheet for domestic employers and workers](#)
- [Required poster for notice of minimum wage](#)

➤ Workers Compensation

New York State employers must provide coverage for domestic workers who work 40 or more hours per week. This is insurance that provides cash benefits and/or medical care for workers who are injured or become ill as a direct result of their job. Information on how insurance can be obtained is found [here](#).

- [Notice of compliance](#)

➤ **Disability Insurance:**

In New York State, employers must provide coverage for employees who work 20 hours or more. Provides weekly cash benefits to replace, in part, wages lost due to injuries or illnesses that do not arise out of or in the course of employment

- [Statement to Rights and Benefits](#)

➤ **New York State Paid Family Leave**

Domestic employers are required to obtain Paid Family Leave insurance for workers who work 20 hours or more. It can be used to bond with a newly born, adopted or fostered child, care for a family member with a serious health condition, or assist loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service or to quarantine for Covid-19.

- [Paid Family Leave Notice of Rights](#)
- Your insurance carrier will provide you with a notice to employees (Notice of Compliance) stating that you have Paid Family Leave insurance.

➤ **Unemployment**

You must pay New York State Unemployment Insurance contributions if you pay a domestic worker cash wages of \$500 or more in a quarter.

- For instructions, see [Householder's Guide for Unemployment Insurance from the New York State Department of Labor](#).

➤ **New York City Paid Safe and Sick Leave**

Domestic employers in New York City with **1 or more domestic workers must provide up to 40 hours of paid leave each calendar year**; employers with **100 or more domestic workers such as home health aides must provide up to 56 hours of paid leave each calendar year**. This law applies to both part time and full time domestic workers.

- [Notice of employee rights](#)

➤ **New York State Sick Leave**

Employers with **4 or fewer employees and net income of \$1 million or less** in the previous tax year are required to provide up to 40 hours of **unpaid** sick leave per calendar year. If you have more than **4 or more employees or make a net income of more than \$1 million dollars** you are required to provide **paid** sick leave. Requirements found [here](#).

➤ **New York City Human Rights Law**

In New York City, a domestic employer cannot discriminate against a domestic worker based on their actual or perceived gender, national origin, race, immigration status, religion, or [any other category](#) protected by the law. That means that employers cannot fire or refuse to hire a domestic worker, pay them less, harass them or allow them to be harassed, or otherwise treat them worse because of their membership in a protected class. Protections apply to workers regardless if they are working full time or part time.

Domestic workers have the right to reasonable accommodations or changes to their schedules or duties to enable them to perform essential job functions, unless it causes hardship for the employer. NYC employers must provide a notice of rights regarding anti-sexual harassment rights and responsibilities: Download a copy of that notice below.

- [Required to be posted: Stop Sexual Harassment Act Notice](#)
- [Fact sheet required to be distributed](#)
- [Sexual harassment annual training](#)

➤ **New York State Human Rights Law**

Employers in New York State are prohibited from discriminating against domestic workers due to age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, favorably resolved arrest record, or because the individual has opposed any practices forbidden under the Human Rights Law or because the individual has filed a complaint.

➤ **New York State HERO Act, Emergency Preparedness Law, and COVID-19 Regulations**

This law requires all domestic employers to take various health and safety measures for the worksite. They include providing benefits such as sick leave, paid family leave, and disability benefits to New York employees impacted by mandatory or precautionary orders of quarantine or isolation due to COVID-19.

- [Model Airborne Infectious Disease Exposure Prevention Plan for Domestic Workers](#)

➤ **New York State Department of Labor Wage Theft Prevention Act**

The law requires employers to give written notice of pay rates, fringe benefits, a pay statement and notice of termination for each employee.

- [Notice for employees](#)
- [Fact sheet](#)