

● **WAGE PAYMENT LAWS (EQUAL PAY)**

STATUTORY CITATION: N.Y. Labor Law § 194

GENERAL SUMMARY: No employee in the private sector may be paid a wage at a rate less than that at which an employee of the opposite sex in the same establishment is paid for equal work on a job whose performance requires equal skill, effort and responsibility, and which is performed under similar working conditions. Employers are not, however, prohibited from using pay differentials based on a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or any other factor other than sex.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay provision applies to agricultural employment the same as employment in any other industry or trade.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by this provision. A worker subjected to any such reprisal may file a complaint with the Department, which is authorized to assess a fine against the violator, or may seek appropriate relief in a private civil suit, provided the action is filed no later than 2 years after the alleged retaliatory act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* Through its district offices, this agency is authorized to investigate complaints under the wage payment laws, including charges of unlawful sex discrimination in the payment of compensation. At its discretion, the Department may attempt to resolve disputes over equal pay, may take assignment of related wage claims, and may institute criminal prosecution for any violation. Failure to pay wages in conformity with the equal pay provision is also a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — A worker who has been paid less than full wages as a result of illegal sex discrimination has a right to sue the employer in a private civil action, for recovery of the unpaid wages, damages and attorney's fees. Any such action must be commenced within 6 years from the date the wages were due.