

New York labor law checklist 2026

Minimum wage	\$17.00 an hour. \$17.00 in New York City, Long Island, and Westchester; \$16.00 in the rest of the state.
Tipped cash wage	Varies by region and industry. Food service workers in New York City, Long Island, and Westchester get a \$11.35 cash wage in 2026, and \$10.65 elsewhere; other tipped workers have different rules.
Next change	Inflation adjustment (rate published by NYDOL) on January 1, 2027
Overtime	Overtime after 40 hours in a week (44 hours for residential employees who live in). Spread of hours pay applies when a workday spans more than 10 hours.
Exempt salary test	Exempt executive and administrative employees must earn at least \$1,275 a week (\$66,300 a year) in New York City, Long Island, and Westchester, and \$1,199.10 a week (\$62,353.20) in the rest of the state in 2026.
Meal breaks	A 30-minute meal period between 11 a.m. and 2 p.m. for shifts over 6 hours that span that window, plus additional meal periods for early-starting and late shifts. Factory workers get 60 minutes.
Rest breaks	No state rest break law for adults. Under federal law, short breaks of 5 to 20 minutes that you choose to give must be paid.
Final pay if fired	By the next regular payday.
Final pay if they quit	By the next regular payday.
Unused PTO	Must be paid unless your written policy clearly says unused vacation is forfeited at separation.
Paid sick leave	Paid sick leave based on size: up to 40 hours unpaid for 4 or fewer employees with net income of \$1 million or less, 40 hours paid for 5 to 99 employees, and 56 hours paid for 100 or more. Plus 20 hours of paid prenatal leave since 2025.
Paid family leave	New York Paid Family Leave (employee-funded, up to 12 weeks) and statutory disability insurance (DBL).
Pay transparency	Required for employers with 4 or more employees: pay range in every posting, including remote jobs that report to a New York supervisor.
New hire reporting	Report each new hire within 20 days of the hire date, the federal deadline.
State income tax	Withhold state income tax.
State agency	New York State Department of Labor: https://dol.ny.gov

What trips up New York employers

- ☐ Manual workers must generally be paid weekly, and late pay has led to large lawsuits.
- ☐ Give every new hire a written wage notice (LS 54 or the right variant) in English and their primary language.
- ☐ Exempt salary thresholds are far above the federal level and differ by region.
- ☐ Pay ranges are required in postings for employers with 4 or more employees.
- ☐ Check the minimum wage on January 1 and July 1, and update payroll and posters.
- ☐ Confirm final pay timing before every termination meeting.

All 50 states and DC, comparison tables, and a free CSV: hrtally.com/state-labor-laws

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