

Dayfile



New York State Department of Labor
David A. Paterson, Governor
M. Patricia Smith, Commissioner

November 12, 2009

[Redacted]

Re: Request for Opinion
Time Cards
RO-09-0146

Dear [Redacted]

This letter is written in response to yours dated October 23, 2009 in which you request an opinion as to whether the modification to your "Time Cards" policy section in your employee handbook is permissible under the New York State Labor Law. Your letter states that your company maintains an employee handbook which contains a policy statement entitled "Time Cards" which has been recently revised to provide that employees will be subject to disciplinary action if they do not follow the proper timekeeping procedures.

Nothing in the New York State Labor Law prevents an employer from imposing disciplinary action on employees who fail to abide by company policies regarding time cards. However, Labor Law §193 prohibits the use of fines or other deductions from wages as discipline.

Please be further advised that Labor Law §195(5) provides that employers shall "notify his employees in writing or by publically posting the employer's policy on sick leave, vacation, personal leave, holidays and hours." [Emphasis added.] Accordingly, provided the employees are notified of the revised policy in writing or through posting prior to its effective date, the revision appears to be permissible under the New York State Labor Law.

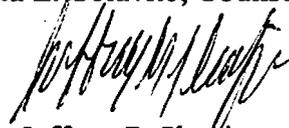
This opinion is based on the information provided in your letter dated October 23, 2009. A different opinion might result if the circumstances outlined in your letter

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change, if the facts provided were not accurate, or if any other relevant fact was not provided. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Maria L. Colavito, Counsel

By: 

Jeffrey G. Shapiro
Associate Attorney

JGS:mp

cc: Carmine Ruberto