



New York State Department of Labor
Eliot Spitzer, Governor
M. Patricia Smith, Commissioner

July 11, 2007

[REDACTED]

Re: Request for Opinion
Definition - Manual Worker
File No.: RO-07-0072

Dear [REDACTED]:

I have been asked to respond to your letter of July 9, 2007 in which you state that you work as a chauffer 50-60 hours per week and that your main duty is driving to and from an airport. You also load and unload luggage for passengers, open and close doors for them, spend 20 minutes per day washing the vehicle and fueling it at the end of the day. In this context, you ask whether a chauffer is considered to be a "manual worker" as that term is used in Labor Law §191(1)(a) and whether the term "manual worker" is the same as the term "manual laborer." The answer to both questions is "yes."

Labor Law §190(4) defines "manual worker" as used in Article 6 of the Labor Law (which includes Labor Law §191) as "a mechanic, workingman or laborer." It is the opinion of this Department that a chauffer performing the duties that you describe for the amount of time that you describe is a "manual worker" for the purposes of Labor Law §191.

The courts have long held that "this definition refers to manual laborers only," (*Metropolitan Life Insurance Co. v. New York State Labor Relations Board*, 168 Misc. 948, 951 (Supreme Court, New York Cty. 1938), *aff'd* 255 A.D. 840 (1st Dept. 1938), *aff'd* 280 N.Y. 194 (1939)).

This opinion is based on the information provided in your letter of July 9, 2007. A different opinion might result if the facts provided were not accurate, or if any other relevant fact was not provided.

Very truly yours,

Maria L. Colavito, Counsel

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