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STATE OF NEW YORK  
DEPARTMENT OF LABOR  
ONE MAIN STREET  
BROOKLYN, N.Y. 11201

BARBARA C. DEINHARDT  
DEPUTY COMMISSIONER OF LABOR  
FOR LEGAL AFFAIRS

January 14, 1988

Mr. Jack Barnes  
Labor Consultant  
Metropolitan Area  
Apparel Association, Inc  
150 Fifth Avenue, Room 407  
New York, New York 10011

Re: Request for Opinion  
Apparel Industry Registration -  
Labor Law Article 12-A

Dear Mr. Barnes:

I have reviewed your letter dated December 14, 1987, which asks various questions regarding the application of the provisions of Article 12-A of the Labor Law. In addition, you raised certain inquiries concerning practical aspects of the distribution of apparel industry registration forms.

Any questions you have concerning the distribution of forms relating to apparel industry registration should be addressed to Hugh McDaid, Program Administrator, Apparel Industry Task Force, Division of Labor Standards, New York State Department of Labor, One Main Street, Room 667, Brooklyn, New York 11201. Mr. McDaid may be contacted by telephone (718) 797-7450.

The first three legal questions in your letter concern the obligation of a contractor or manufacturer to ascertain whether or not a manufacturer or contractor with whom it does business has registered with the Commissioner as required by law. Section 345(3) of the Labor Law provides that it shall be unlawful for a manufacturer or contractor who it knows has failed to register, failed to renew its registration or had its registration revoked by the Commissioner. It is my opinion that a manufacturer or contractor must take all reasonable precautions to ensure that all parties with whom it contracts are registered as required by law, such as requesting to see proof of registration, which must be posed, or inquiring of this Department. All specific situations will be judged on their facts on a case-by-case basis.


You have also inquired of the status of an individual who styles and produces apparel with his or her own material and

has no employees. Such an individual is a "manufacturer" as defined in Section 340(d)(ii) of the Labor Law and must register with the Commissioner.

You further inquired of the status of a manufacturer which sells in New York State goods produced outside New York State. As such a manufacturer does not produce, directly or by means of a contractor, any goods in New York State, it would not be engaged in the "apparel industry" in New York State as defined in Section 340(c) of the Labor Law and would not be required to register with the Commissioner.

Your final question asks the status of a New York State contractor doing work for an out-of-state manufacturer. Such a contractor is a "contractor" as defined in Section 340(e) of the Labor Law, as it contracts with a manufacturer to produce goods in New York State and must register with the Commissioner.

Very truly yours,



Barbara C. Deinhardt  
Deputy Commissioner of  
Labor for Legal Affairs

BCD:vp

bc: Commr. Taylor (w/letter)  
Commr. O'Connell  
Robert E. Waters  
Maria Colavito  
Blanche Cohen  
Hugh McDaid  
Robert Ambaras