



New York State Department of Labor

David A. Paterson, Governor

M. Patricia Smith, Commissioner

December 1, 2008

Re: Request for Opinion
Employee Required Pagers
RO-08-0033

Dear [REDACTED]:

This letter is written in response to your letter received by the Department of Labor on April 1, 2008. Your letter asks whether the [REDACTED], your employer, may require carrying a pager as a condition of employment.

Please be advised that employers may require employees to possess and maintain a pager as a condition of employment provided the following two conditions are met: first, the cost to the employee of purchasing and maintaining the pager does not bring the employee's wages below the minimum wage for any workweek in which payments are made; second, the employee's payment(s) to obtain and/or maintain the pager are not made by wage deduction or by separate payment to either the employer or any third party in which the employer has an interest or from which the employer derives a benefit.

As your letter states that employees may purchase these pagers from whomever they choose, there is nothing in your letter indicating that the proposed plan would be in violation of the New York State Labor Law. Please note, however, that if a collective bargaining agreement covers the terms and conditions of your employment, that agreement may address issues such as the purchase of equipment. You should refer any questions in this regard to your employee representatives.

This opinion is based on the information provided in your letter received by the Department of Labor on April 1, 2008. A different opinion might result if the circumstances outlined in your letter changed, 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:jc
cc: Carmine Ruberto