



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

September 23, 2008



Re: Request for Opinion:
Posting Requirements
Labor Law §195(5)
RO-07-0135

Dear [REDACTED]:

I have been asked to respond to your letter of December 13, 2007. Please accept my apology for the late response to your request. Your letter asks whether policies made available to employees on-line would satisfy the requirement in Section 195 of the Labor Law that employers notify employees in writing of their policies on sick leave, vacation, personal leave, holidays, and hours.

New York Labor Law §195(5) provides in pertinent part:

Each employer shall... notify his employees in writing or by publicly posting the employer's policy on sick leave, vacation, personal leave, holidays and hours.

It is position of the Department of Labor that, generally, computer accessible policies are in compliance with Labor Law §195(5) provided the employees have easy access to computers that are capable of printing such policies. Your letter only states that the policies would be made "available" online. Your letter also fails to indicate whether employees have access to computers with printing capabilities from which they may create a hard copy of the policies without undue delay or effort and on "company time." Please be advised that unless employees have easy access to computers during work hours with the ability to print the employer's policies, your proposal would constitute a violation of Labor Law §195(3).

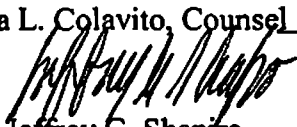
Please take further note that Labor Law §191 requires full payment of wages and that §193 forbids any deductions from wages that are not to the benefit of the employee. Accordingly, employees may not be charged any fee, directly or indirectly, by any person, for the access to, or printing of, the employer's policy.

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This opinion is based on the information provided in your letter of December 13, 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


By: Jeffrey G. Shapiro
Associate Attorney

JGS:jc

cc: Carmine Ruberto