

NEW YORK STATE

DEPARTMENT OF LABOR

INTER-OFFICE MEMORANDUM

Date: April 24, 1992

To: Richard Polsinello

Office: Labor Standards

From: Charles Horwitz *CH*

Office: Counsel's -NYC

Subject: Garment Industry Registration Requirements  
for Sample and Pattern Makers

This is in response to your query whether sample and/or pattern makers are required to register under Article 12-A of the Labor Law. As you know, Section 340(c) defines "apparel industry" as including the making, cutting or otherwise producing any section of apparel designed or intended to be worn by individuals, which is to be sold or offered for sale. Sample makers generally produce apparel items which are not designed or intended to be worn by individuals. However, many women's clothing samples are eventually offered for sale to individuals. Accordingly, Article 12-A would, arguably, cover manufacturers and/or contractors who employ or otherwise engage the services of sample makers if they produce samples which are subsequently offered for sale.

It is my understanding that almost all establishments which may employ or utilize the services of sample makers are subject to Article 12-A, because they fall within the definition of "manufacturer" in Section 340(d) of the Labor Law. Only a few firms are engaged exclusively in sample making and these firms employ highly skilled, relatively well-paid, workers who work closely with designers employed by manufacturers. While these firms would be subject to coverage under Section 12-A, they are not the typical sweatshops which the Legislature intended to closely regulate when it enacted Article 12-A.

Pattern makers, on the other hand, produce apparel patterns from materials such as paper and cardboard which are not intended to be worn. Moreover, some pattern making firms program computerized software systems to cut materials in accordance with pre-designed patterns. As these patterns are not produced with an intent to be worn or offered for sale to individuals, firms engaged exclusively in pattern making are not subject to Article 12-A.

Please contact me if you have any questions.