



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

April 15, 2009



Re: Request for Opinion
Labor Law §195(5)
RO-09-0041

Dear [REDACTED]:

This letter is written in response to yours of March 12, 2009 in which you state that a client of yours has a collective bargaining agreement with several labor unions, the members/employees of which receive a copy of the agreements from the unions. Your letter states that one of the union representatives has taken the position that the employer is required to give a separate notice in writing of the employer's policy on sick leave, vacation, personal leave, holidays and hours, even though these items are covered by the collective bargaining agreement.

New York Labor Law §195(5) provides:


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.

The requirement contained above may be met where the terms of the collective bargaining agreement containing the employer's policy on sick leave, vacation, personal leave, holidays and hours to the employees contains a provision that the agreement must be provided to the employees. Absent such a provision, the employer would be required to provide such policy in writing or by publicly posting the policy unless the employer can otherwise demonstrate that the employees have received a copy of the collective bargaining agreement.

This opinion is based on the information provided in your letter dated March 12, 2009. A different opinion might result if the circumstances outlined in your letter change, 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


Jeffrey Shapiro
Associate Attorney

cc: Carmine Ruberto