



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

Alex J. Glauber, Esq.
Glauber & Kessler
475 Fifth Avenue
New York, New York 10017

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

Dear Mr. Glauber:

I have reviewed your correspondence of December 14, 1987, inquiring whether certain of your clients are subject to the registration requirements of Labor Law Section 341. It is my understanding that your client are apparel manufacturing trade associations maintaining showrooms in New York City.

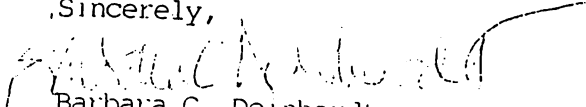
According to your letter, the merchandise in the showrooms is produced outside of the state. You further relate that certain showrooms may employ a designer and sample hands. Based upon the information you provided, the "sample hands produce only samples for display at the showroom or for use by sales representatives in soliciting orders for the merchandise." It appears that such samples are not used or sold as merchandise.

Manufacturers and contractors engaged in the apparel industry are subject to the registration requirements of Labor Law Section 341. Section 340(c) defines the "apparel industry" as "the making, cutting, sewing, finishing, assembling, pressing or otherwise producing, by any of the foregoing apparel industry services, any women's, children's or infants' apparel, or a section or component of apparel, designed or intended to be worn by any individual which is to be sold or offered for sale..." Similarly, the statutory definitions of "manufacturer" and "contractor", set forth in Section 340(d) and (3), incorporate the concept that the apparel involved must be "designed or intended to be worn by any individual which is to be sold or offered for sale."

In the situations described in your letter, your clients do not produce any apparel in the state which is to be sold or offered for sale. Accordingly, under the circumstances described, it is my opinion that the registration requirements of Labor Law Section 341 are inapplicable to your clients' showroom operations.

I trust that this has fully responded to your inquiry.

Sincerely,


Barbara C. Deinhardt
Deputy Commissioner of
Labor for Legal Affairs and
General Counsel