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Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

NEW YORK CITY ADMINISTRATIVE CODE

TITLE 20: CONSUMER AFFAIRS

CHAPTER 13: PAY DEDUCTIONS FOR CONTRIBUTIONS TO NOT-FOR-PROFIT ORGANIZATIONS

§ 20-1301. Definitions.

For purposes of this chapter, the following terms have the following meanings:

Chain. The term “chain” means a set of establishments that share a common brand or that are characterized by standardized options for decor, marketing, packaging, products and services.

Director. The term “director” means the director of the office of labor standards established pursuant to section 20-a of the charter.

Employee. The term “employee” means any person covered by the definition of “employee” set forth in subdivision 5 of section 651 of the labor law or any person covered by the definition of “employee” set forth in subsection (e) of section 203 of title 29 of the United States code, any person covered by the definition of an “employee” set forth in subsection (3) of section 152 of title 29 of the United States code, any person covered by the definition of “public employee” in subdivision 7 of section 201 of the civil service law, or any person covered by the definition of “employees” in subdivision 3 of section 701 of the labor law and who is employed within the city and who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law. Notwithstanding any other provision of this section, the term “employee” does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Employer. The term “employer” means any person or entity covered by the definition of “employer” set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the definition of “employer” set forth in subsection (d) of section 203 of title 29 of the United States code, any person or entity covered by the definition of “employer” set forth in subsection (2) of section 152 of title 29 of the United States code, any person or entity covered by the definition of a “public employer” in subdivision 6 of section 201 of the civil service law, or any person or entity covered by the definition of “employer” in subdivision 2 of section 701 of the labor law. Notwithstanding any other provision of this section, the term does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the

judiciary; or (iii) the city or any local government, municipality or county or agency or other body thereof.

Fast food employee. The term “fast food employee” means any employee employed or permitted to work at or for a fast food establishment that is located within the city, by any employer, where such job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning or routine maintenance.

Fast food employer. The term “fast food employer” means any employer that employs a fast food employee at a fast food establishment.

Fast food establishment. The term “fast food establishment” means any establishment (i) that has as its primary purpose serving food or drink items; (ii) where patrons order or select items and pay before eating and such items may be consumed on the premises, taken out or delivered to the customer’s location; (iii) that offers limited service; (iv) that is part of a chain; and (v) that is one of 30 or more establishments nationally, including (A) an integrated enterprise that owns or operates 30 or more such establishments in the aggregate nationally or (B) an establishment operated pursuant to a franchise where the franchisor and the franchisees of such franchisor own or operate 30 or more such establishments in the aggregate nationally. The term “fast food establishment” includes such establishments located within non-fast food establishments.

Franchise. The term “franchise” has the same definition as set forth in section 681 of the general business law.

Franchisee. The term “franchisee” means a person or entity to whom a franchise is granted.

Franchisor. The term “franchisor” means a person or entity who grants a franchise to another person or entity.

Integrated enterprise. The term “integrated enterprise” means two or more entities sufficiently integrated so as to be considered a single employer as determined by application of the following factors: (i) degree of interrelation between the operations of multiple entities; (ii) degree to which the entities share common management; (iii) centralized control of labor relations; and (iv) degree of common ownership or financial control.

Not-for-profit. The term “not-for-profit” means an entity that is organized under the not-for-profit corporation law or the law governing incorporation of not-for-profit organizations in the jurisdiction of its incorporation.

Office. The term “office” means the office of labor standards established pursuant to section 20-a of the charter.

§ 20-1302. Requirement to deduct and remit voluntary contributions to not-for-profits.

- a. A fast food employer shall, upon authorization from a fast food employee and upon receipt of a registration letter as provided in subdivision b of section 20-1303 pertaining to the relevant not-for-profit, deduct voluntary contributions from such fast food employee’s paycheck and remit them to the not-for-profit designated by such fast food employee. An authorization shall be written, whether on paper or by an electronic or other method prescribed by the director, and shall include:
 1. The fast food employee’s signature;
 2. The fast food employee’s name and physical address;
 3. The amount, frequency and start date of the contribution;
 4. The name, physical address, email address, web address, if any, and phone number of the not-for-profit and a contact for an employee who seeks to revoke authorization and
 5. A statement notifying the fast food employee that contributions are voluntary and that the authorization to deduct is revocable at any time by submitting a written revocation to the

not-for-profit.

- b. An authorization may be submitted to a fast food employer by either a not-for-profit or a fast food employee.
- c. An authorization is in effect until the fast food employee revokes the authorization in writing, whether on paper or by an electronic or other method prescribed by the director, to the not-for-profit. The not-for-profit shall transmit the revocation to the fast food employer.
- d. The fast food employer shall provide a copy of any authorization and any revocation to the not-for-profit to which it pertains and to the fast food employee who submitted it within five business days of receipt.
- e. The fast food employer shall begin or end deductions no later than the first pay period after 15 days of receipt of the authorization or of receipt of the revocation. In the case of authorization, the fast food employer shall remit the deductions to the not-for-profit, by the method of transmission that such organization requests, no later than 15 days after deduction. Deductions may only be taken from paychecks issued after the date the fast food employer receives the authorization, and the deduction amount from any one paycheck shall not exceed the maximum amount specified by the fast food employee. The fast food employer must comply with state law regarding notation of deductions on fast food employees' statements of wages.
- f. A fast food employer is not required to honor an authorization for a contribution to a not-for-profit:
 - 1. Of less than \$6 per paycheck if the fast food employee is paid every two weeks, or less than \$3 per paycheck if the fast food employee is paid every week; or
 - 2. More than once per pay period.
- g. Processing fee. Upon request by a fast food employer, the not-for-profit shall reimburse the fast food employer for the costs associated with deduction and remittance, as calculated pursuant to rules of the office.
- h. Written notice of rights and obligations. A fast food employer shall provide written notice to its fast food employees of their rights and of the fast food employer's obligations under this section on a form provided by the office. Such notice shall be posted in a conspicuous place in the fast food establishment. Such notice shall include a statement that labor organizations as defined by the national labor relations act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.

§ 20-1303. Registration by not-for-profits required.

- a. Before it may accept deductions pursuant to this chapter, a not-for-profit shall register with the office by providing the following in the manner prescribed by the office:
 - 1. The name, physical address, email address, web address, if any, and phone number of the not-for-profit and a contact;
 - 2. Proof of status as a not-for-profit that has not been suspended or dissolved pursuant to the laws of the state of its incorporation;
 - 3. Facially valid written authorizations in the form described in subdivision a of section 20-1302 from at least 500 fast food employees, though such authorizations need not be from employees employed by the same fast food employer;
 - 4. Proof that the not-for-profit has provided the information required by section 20-1304 to the fast food employee; and
 - 5. The not-for-profit organization's form 990 of the Internal Revenue Service of the United States Department of the Treasury or other equivalent tax filing for the three most recent tax years for which such form was filed.
- b. The office shall issue a registration letter to the registered not-for-profit confirming that it has met the conditions required to trigger the requirements of this chapter. A not-for-profit or fast

food employee seeking to have a fast food employer make payroll deductions pursuant to this chapter must provide a copy of the office's registration letter to the relevant fast food employer along with the request for such deductions authorization.

§ 20-1304. Not-for-profit required disclosure.

- a. Before any deduction pursuant to this chapter is made, the not-for-profit shall provide the relevant fast food employee the following information concerning its operations:
 1. Name, contact, physical address, email address, web address, if any, and phone number;
 2. Information about the not-for-profit's governance, which shall include any officers and directors and may include members or shareholders as the director shall require;
 3. Information about the not-for-profit's mission, programs and areas of focus;
 4. When prescribed by the director, a list of the not-for-profit's employees;
 5. Information about the not-for-profit's finances, including its sources of funding, budget and expenditures; and
 6. A statement that labor organizations as defined by the national labor relations act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.
- b. The not-for-profit may satisfy the disclosure requirements of this section by the conspicuous posting of the information on a single webpage on the website of the covered not-for-profit dedicated to fulfilling the disclosure requirements of this section, provided that the website address of such page is included on the authorization described in section 20-1302 or other written document provided to the fast food employee and that such website address is preceded by language indicating that legally required disclosures are contained there.

§ 20-1305. Recordkeeping.

- a. A fast food employer must keep records of the following for two years:
 1. Deduction authorizations and revocations made pursuant to this chapter;
 2. Remittances pursuant to this chapter;
 3. Deductions pursuant to this chapter;
 4. A copy of the authorization required by subdivision d of section 20-1302;
 5. Proof of distribution of the notice to fast food employees required by subdivision h of section 20-1302;
- b. The failure to keep records required by this section creates an inference that such records would be unfavorable to that fast food employer, and a factfinder may use such inference to establish facts in support of a final determination pursuant to sections 20-1307 and 20-1308.

§ 20-1306. Retaliation prohibited.

No person shall take any adverse action against a fast food employee that penalizes such employee for, or is reasonably likely to deter such employee from, exercising or attempting to exercise any right protected under this chapter. Taking an adverse action includes threatening, intimidating, disciplining, discharging, demoting, suspending or harassing a fast food employee, reducing the hours or pay of a fast food employee, informing another employer that a fast food employee has engaged in activities protected by this chapter, and discriminating against the fast food employee, including actions related to perceived immigration status or work authorization. A fast food employee need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

§ 20-1307. Enforcement.

- a. The office shall investigate potential violations and enforce the provisions of this chapter

consistent with sections 20-a and 2203 of the charter and with all powers and duties described therein and according to rules and policies of the office.

- b. Violations by fast food employers.
 1. Except as provided in subdivision c of this section, an aggrieved fast food employee or duly authorized representative thereof or an aggrieved not-for-profit may file a complaint with the office regarding violations of this chapter by a fast food employer. Except for an allegation of retaliation in violation of section 20-1306, the office shall only investigate such a complaint if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter.
 2. Except as otherwise provided in subdivision c of this section, if a fast food employer is found to have violated this chapter, including by retaliation, the office may award any of the following, in addition to any other remedy provided in the charter or other law:
 - (a) Deductions and remittances as authorized by the fast food employee and the payment of interest to the not-for-profit from the date of the failure to deduct or remit based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year; and
 - (b) Payment of a further sum as a civil penalty in an amount not exceeding \$500 for each violation of this chapter. However, in cases where a final disposition has been entered against a fast food employer twice within any consecutive three-year period determining that such fast food employer has willfully failed to deduct or remit funds in accordance with this chapter, or has retaliated against a fast food employee in violation of section 20-1306, the office may impose a civil penalty in an amount not exceeding \$1,000 for each violation of this chapter.
 - (c) Reinstatement, back pay and other appropriate relief for any fast food employee found to have been subject to retaliation in violation of section 20-1306.
 3. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, and the good faith of the fast food employer. No procedure or remedy set forth in this section is exclusive of or a prerequisite for asserting a claim for relief to enforce any rights under this chapter in a court of competent jurisdiction.
- c. Failure to honor a revocation. A fast food employer or a not-for-profit that the office finds has failed to honor the revocation of a fast food employee of voluntary deductions and instead has retained contributions after revocation shall refund the fast food employee the amount of the contribution wrongfully retained. If the refund to the fast food employee is not made within 60 days of receipt of the revocation by the party that retained the contribution, the office may require the payment of interest on the amount of the refund owed based on the rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year.
- d. False or misleading disclosures to fast food employees. It is a violation of this chapter for a not-for-profit intentionally to make materially false or misleading disclosures to fast food employees under subdivision a of section 20-1304, and as set forth in rules prescribed by the director. Where a violation is established, such not-for-profit shall cure the false or misleading statements to fast food employees within 30 days. Upon establishing a second such violation within two years of a previous violation, the director shall revoke any previously issued letter of registration as set forth in subdivision b of section 20-1303.
- e. The office shall make rules establishing a process for such interested parties as the office may identify by rule to petition the director to re-examine or revoke a not-for-profit's registration pursuant to this chapter.
- f. Any party with rights under this chapter may bring an action pursuant to article 78 of the civil practice law and rules to enforce, vacate or modify an order, determination or other disposition of the office, the office of administrative trials and hearings or other relevant

tribunal.

§ 20-1308. Civil action.

- a. Except as otherwise provided by law, any person claiming to be aggrieved by a fast food employer's violation of this chapter has a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter from the office unless such person has filed a complaint with the office with respect to such claim. If the court finds in favor of the plaintiff, it shall award such person, in addition to other relief, reasonable attorney's fees and costs.
- b. Notwithstanding any inconsistent provision of subdivision a of this section, if the office dismisses a complaint or the complaint is withdrawn, an aggrieved person maintains all rights to commence a civil action pursuant to this section.
 1. An employee need not file a complaint with the office before bringing a civil action; however, no person shall file a civil action after filing a complaint with the office unless such complaint has been withdrawn or dismissed without prejudice to further action.
 2. No person shall file a complaint with the office after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.
- c. A civil action under this section shall be commenced in accordance with subdivision 2 of section 214 of the civil practice law and rules.
- d. This chapter does not limit a fast food employee's right to bring any other action authorized by law.

§ 20-1309 Limitations period.

The office shall not investigate violations of this chapter committed more than two years before the filing of a complaint or the commencement of such investigation, whichever is earlier. Each failure to comply with this chapter constitutes a separate violation; a pattern of such violations is a continuing violation for purposes of assessing the limitations period.

§ 20-1310 Application; exclusion of labor organizations.

- a. This chapter does not discourage, prohibit, preempt or displace any law, regulation, rule, requirement, written policy or standard that is at least as protective of a fast food employee as the requirements of this chapter.
- b. This chapter does not authorize deductions prohibited by section 193 of the labor law or remittances to labor organizations. For purposes of this subdivision, the term "labor organization shall mean:
 1. A "labor organization" as defined in subdivision 5 of section 701 of the labor law;
 2. An "employee organization" as defined in subdivision 5 of section 201 of the civil service law; or
 3. A "labor organization" within the meaning of subsection (5) of section 152 of title 29 of the United States code, which defines a labor organization as "any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work," as such definition is interpreted by the national labor relations board.
- c. The office shall promulgate rules necessary to ensure that this law will be applied in a manner consistent with federal or state labor law and will not affect the relationship among workers or employees and employers, and the entities described in subdivision b, except as specifically provided in this chapter.

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**RULES OF THE CITY OF NEW YORK
TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 7: OFFICE OF LABOR POLICY AND STANDARDS**

SUBCHAPTER G: PAY DEDUCTIONS

§ 7-701. Definitions.

- (a) As used in Title 20, chapter 13 of the New York City Administrative Code and this subchapter, the following terms have the following meanings:

“Contact” means “contact person” as defined by this subchapter.

“Signature” means an original, handwritten signature or an electronic signature.

- (b) As used in this subchapter, the following terms have the following meanings:

“Contact person” means the not-for-profit employee or agent responsible for processing authorizations and requests to revoke authorizations.

“Electronic signature” means a computer data compilation of any symbol or series of symbols executed, adopted, or authorized by a natural person attached to or logically associated with an electronic record and executed or adopted by a natural person with the intent to sign the record. An electronic signature is considered to be “attached to or logically associated with an electronic record” if the electronic signature is linked to the record during transmission and storage.

“Pay Deductions Law” means Title 20, Chapter 13 of the New York City Administrative Code.

“Valid authorization” means a written authorization from a fast food employee to deduct wages from the fast food employee’s paycheck for remittance to a not-for-profit that complies with section 20-1302 of the New York City Administrative Code and section 15-03 of these Rules.

- (c) As used in this subchapter, the following terms have the same meaning as set forth in Section 20-1301 of the Pay Deductions Law: “fast food employee,” “fast food employer,” “fast food establishment,” “not-for-profit,” and “office.”

§ 7-702. Valid Authorization.

- (a) A valid authorization must contain the following: (i) the relevant fast food employee’s signature and date that the authorization was signed by the fast food employee; (ii) the fast food employee’s name and physical address; (iii) the amount, frequency, and start date of the contribution; (iv) the name, physical address, email address, web address, if any, and phone number of the not-for-profit; (v) the contact person’s title, telephone number, and email address; and (vi) a statement notifying the fast food employee that contributions are voluntary

and that the authorization to deduct wages is revocable at any time by submitting a written revocation to the not-for-profit or contact person.

- (b) The statement that an employee may revoke an authorization at any time must be immediately followed by the contact person's title and not-for-profit's email address.
- (c) Valid authorizations shall be effective with respect to any fast food employer that succeeds another fast food employer in ownership or control of a fast food establishment, whether through merger, pledge, transfer, sale, assignment, operation of law, or otherwise.
- (d) A valid authorization may be transmitted to a not-for-profit or a fast food employer by personal delivery, mail, facsimile, email, or other means of electronic transmission.

§ 7-703. Electronic Authorization to Deduct and Remit Wages.

- (a) The use of an electronic signature shall have the same validity and effect as the use of a handwritten signature. Each electronic signature shall be unique to one individual.
- (b) Each individual shall have a single electronic signature.
- (c) Submission of an electronic signature must include verification that the individual is a natural person.
- (d) Before a not-for-profit establishes, assigns, certifies or otherwise sanctions an individual's electronic signature, or any element of such electronic signature, the not-for-profit must send the individual a confirmation of receipt of the authorization by email. Such confirmation must include a copy of the valid authorization electronically signed by the fast food employee.

§ 7-704. Authorization to Deduct and Remit Wages.

- (a) A fast food employer must begin to deduct wages from a fast food employee's pay check no later than the first pay period after 15 days following receipt of the valid authorization, and remit the deductions to the not-for-profit no later than 15 days after the deduction is made, provided that the not-for-profit has registered with the office and either the fast food employee or not-for-profit has provided a registration letter from the office to the fast food employer.
- (b) A valid authorization or registration letter is presumed to have been received by the fast food employer upon the earlier of (i) the date the document is personally delivered to a managerial or supervisory employee or agent of the fast food employer, or (ii) 10 days following service on a managerial or supervisory employee or agent of the fast food employer by mail, email, or facsimile.
- (c) A fast food employer must not begin deductions earlier than the start date of contribution a fast food employee indicates on an authorization.
- (d) A not-for-profit that has not transmitted the valid authorization and registration to the fast food employer within 180 days of receiving a fast food employee's valid authorization must, at least 10 days prior to transmitting the authorization and its registration to the fast food employer, send the fast food employee a letter by mail to the address indicated on the authorization or by email, if the not-for-profit has solicited the fast food employee's email address, that includes (i) the date the not-for-profit plans to transmit the authorization and registration letter to the fast food employer, which must be no earlier than 10 days after the date that the letter to the fast food employee is mailed, (ii) the anticipated date by which deductions will begin, and (iii) the contact person's title, telephone number, and email address.

§ 7-705. Required Disclosures by Not-for-Profits to Fast Food Employees.

- (a) The not-for-profit must provide a fast food employee with disclosures required by section 20-1304(a) of the Pay Deductions Law no later than the time at which the fast food employee authorizes remittance of deductions to the not-for-profit.
- (b) Required disclosures pursuant to section 20-1304(a) of the Pay Deductions Law must include a list of individuals who performed work for the not-for-profit within the 5 years preceding the

date that the fast food employee signed the authorization and who also either (i) are or were trustees of the not-for-profit, or (ii) receive(d) more than \$100,000 in compensation from the not-for-profit or a related organization in any single fiscal year. Such list must include the names and titles of such individuals.

- (c) A not-for-profit may satisfy the requirements of section 20-1304(a)(5) of the Pay Deductions Law by submitting the not-for-profit's form 990 of the Internal Revenue Service of the United States Department of the Treasury or, if the not-for-profit did not file a form 990, another equivalent tax filing that reflects the not-for-profit's funding, budget, and expenditures, for the three most recent tax years for which such form was filed.
- (d) If a not-for-profit chooses to post its required disclosures on a single webpage pursuant to section 20-1304(b) of the Pay Deductions Law:
 - i. The text on the webpage must be a sans serif font and in a minimum size of 12 point font; and
 - ii. The URL for the webpage containing the required disclosures must be no more than 50 characters in length.
- (e) A not-for-profit must not intentionally make materially false or misleading disclosures to fast food employees.
 - i. A disclosure is "materially false" when it is both untrue and would have made a reasonable person more likely to contribute funds to the not-for-profit.
 - ii. A disclosure is "misleading" when it is formatted, organized, arranged, or worded in such a way as to neutralize, conceal, or omit information that, if known by the fast food employee, would make a reasonable person less likely to contribute funds to the not-for-profit.
 - iii. Disclosure of materially false or misleading information is "intentional" when the not-for-profit was aware that the information was materially false or misleading at the time of disclosure.
 - iv. A not-for-profit must cure a materially false or misleading disclosure for each fast food employee who received the false or misleading disclosure within 30 days of being found in violation of this section or section 20-1307(d) of the Pay Deductions Law by the office of administrative trials and hearings.

§ 7-706. Not-for-Profit Registration.

- (a) A not-for-profit must register with the office by providing the information required under section 20-1303(a) of the Pay Deductions Law to the office by email or by personally delivering or mailing one or more CD-Rs or DVD-Rs to the office.
- (b) Authorizations submitted pursuant to section 20-1303(a)(3) of the Pay Deductions Law must be signed no earlier than 270 days before the date the not-for-profit submits its registration to the office pursuant to subdivision (a).
- (c) Any of the following will constitute acceptable proof of status as an active not-for-profit for purposes of section 20-1303(a)(2) of the Pay Deductions Law:
 - i. A copy of an Internal Revenue Service affirmation or determination letter confirming the not-for-profit's tax-exempt status issued to the not-for-profit within the 120 days preceding the letter's submission to the office;
 - ii. A letter from a state taxing body or a state attorney general certifying that the organization is a not-for-profit organization operating within the State and no part of its net earnings may lawfully benefit any private shareholder or individual, which is issued to the not-for-profit within the 120 days preceding the letter's submission to the office for purposes of registration;
 - iii. A certified copy of the not-for-profit's certificate of incorporation or similar document if such document explicitly identifies the organization as an active not-for-profit, and such document was issued within the 120 days preceding its submission to the office for

- purposes of registration; or
 - iv. Proof that the not-for-profit was listed in the Internal Revenue Service's online database of organizations eligible to receive tax-deductible charitable contributions within the 120 days preceding submission to the office for purposes of registration.
- (d) Either of the following will constitute acceptable proof that a not-for-profit has provided the required disclosures to a fast food employee pursuant to section 20-1304(a) of the Pay Deductions Law:
- i. Valid authorizations containing the URL of the webpage containing the required disclosures and screenshot(s) depicting each version of the webpage associated with the URL that is written on the authorization during the range of signature dates of the valid authorizations; or
 - ii. A written acknowledgement of receipt of the required disclosures signed and dated by each fast food employee who signed the authorizations not covered by item (i) of this clause, submitted pursuant to section 20-1303(a)(3) of the Pay Deductions Law along with a copy of the writing containing the required disclosures or screenshot(s) depicting each version of the webpage provided to the fast food employees containing the required disclosures over the period covering the dates on the written acknowledgement of receipt.
- (e) The office shall issue a registration letter to the not-for-profit confirming that it has met the conditions required for registration as soon as practicable and in no case more than 14 days after the office has determined that the requirements for registration have been met. A not-for-profit shall be considered registered upon the date of the registration letter from the office.

§ 7-707. Method of and Costs Associated with Remitting Deductions.

- (a) A not-for-profit must notify a fast food employer in writing of the method by which deductions authorized by fast food employees shall be remitted to the not-for-profit. Such method and its associated costs must be reasonable and consistent with standard deductions remittance practices for fast food employers, and, where possible, should be compatible with the fast food employer's existing processes for remitting deductions. Subject to subdivision (b), the maximum amount per transaction per fast food employee that a fast food employer may charge a not-for-profit is \$0.30. "Transaction" for purposes of this subsection means the act of both deducting and remitting wages.
- (b) A fast food employer may seek an exemption from the maximum amount set forth in subdivision (a) by demonstrating to the office that the employer's actual costs exceed that maximum amount.
- (c) A fast food employer's request to be reimbursed by the not-for-profit pursuant to section 20-1302(g) of the Pay Deductions Law must be made in writing and include the cost calculations prescribed in subdivision (d) of this section.
- (d) Costs associated with deductions and remittances shall be calculated based on the actual costs to a fast food employer of making deductions from a fast food employee's paycheck and remitting those deductions to the not-for-profit the fast food employee designated.
- (e) Upon a not-for-profit's request, a fast food employer remitting deductions to that not-for-profit organization pursuant to this subchapter must simultaneously with the remittance provide the following information:
 - 1. Name of the fast food employer;
 - 2. For each fast food employee for whom the fast food employer is remitting:
 - (i) name
 - (ii) fast food establishment address
 - (iii) home address
 - (iv) phone number
 - (v) an unique identifier that is distinct from the employee's social security number or other

personally identifiable information, and that is generated by the fast food employer, such as an employee identification number, if any

- (vi) email address, if any
 - (vii) amount of deduction and
 - (viii) date and payroll period of deduction;
3. Name of any fast food employee who separated from employment with the fast food employer in the preceding payroll period who had authorized deductions pursuant to this subchapter.
- (f) Pursuant to section 20-1302(g) of the Pay Deductions Law, a not-for-profit must reimburse a fast food employer as frequently as the fast food employer requests, provided that a not-for-profit need not honor a fast food employer's request(s) to be reimbursed more frequently than every two weeks.

§ 7-708. Revocations.

- (a) A fast food employee's revocation by mail, facsimile, email, or web submission to the not-for-profit or contact person will constitute a revocation in writing.
- (b) If a fast food employee submits a revocation to a fast food employer instead of to the not-for-profit, the fast food employer must provide a copy of the revocation to the not-for-profit within five business days of receipt.
- (c) For purposes of Section 20-1302(e) of the Pay Deductions Law, a revocation is presumed received by the fast food employer upon the earlier of (i) the date of delivery from the not-for-profit to the fast food employer, or, (ii) in the event that a fast food employee delivers the revocation to the fast food employer, the date the revocation is received by the not-for-profit.
- (d) A not-for-profit must not submit an authorization that has been revoked in support of an application for a registration letter.

§ 7-709. Petition to Re-Examine or Revoke a Not-for-Profit's Registration.

- (a) The term "interested party" as used in section 20-1307(e) of the Pay Deductions Law shall include: any current or former fast food employee, any authorized representative of a current or former fast food employee, any fast food employer required to make deductions pursuant to the Pay Deductions Law, any not-for-profit, any labor organization or employee organization as those terms are defined in Section 20-1310(b) of the Pay Deductions Law, and the New York State Attorney General.
- (b) Petitions to re-examine or revoke a not-for-profit's registration must be in writing, in the form of a letter addressed to the director, and sent to the office by mail, email, or facsimile.
- (c) The office shall not register and shall revoke any previously issued registrations of not-for-profits that collect authorization cards or other documents related to membership in a labor organization or with respect to a showing of interest or vote for certification, decertification, or deauthorization of a labor organization, upon receiving proof that the not-for-profit is engaging in such activities.

§ 7-710. Retaliation.

For purposes of section 20-1306 of the Pay Deductions Law, the phrases "any right protected under this chapter" and "activities protected by this chapter" include, but are not limited to, the right to: sign an authorization, submit an authorization, revoke an authorization, file a complaint with the office, file and maintain a civil action based on the Pay Deductions Law, and communicate with any person regarding the above activities.

§ 7-711. Enforcement and Penalties.

- (a) A fast food employee or a not-for-profit may file a complaint with the office alleging violations of the Pay Deductions Law by a fast food employer.
- (b) A not-for-profit that files a complaint with the office must submit with its complaint a copy of

the not-for-profit's registration letter. The office shall dismiss a complaint filed by a not-for-profit if the not-for-profit's complaint does not include a copy of its registration letter.

- (c) Notwithstanding subdivision (b), the office shall investigate any complaint that alleges retaliation in violation of the Pay Deductions Law, regardless of whether the relevant not-for-profit has registered with the office.
- (d) If, as a result of an investigation, the office determines that a fast food employee's wages were deducted without a valid authorization or after such time as deductions should have ended pursuant to a revocation, the fast food employer or not-for-profit that retains the deductions shall be liable for the reimbursement and interest prescribed pursuant to section 20-1307(c) of the Pay Deductions Law.
- (e) A fast food employer found to be in violation of the Pay Deductions Law shall be liable for the civil penalties due pursuant to section 20-1307(b)(2)(b) of the Pay Deductions Law. Such civil penalties shall be imposed on a per fast food employee basis.

§ 7-712. Civil Actions.

- (a) A fast food employee or not-for-profit who has filed a complaint with the office pursuant to the Pay Deductions Law must withdraw the complaint in writing to the office prior to commencing a civil action that includes claims based on the Pay Deductions Law.
- (b) A fast food employee or not-for-profit who has filed a civil action that includes any claims based on the Pay Deductions Law may file a complaint with the office upon a showing that the Pay Deductions Law claims in the civil action have been withdrawn or dismissed without prejudice to further action.
- (c) The withdrawal of a complaint or the commencement of a civil action by a fast food employee or not-for-profit does not preclude the office from investigating a fast food employer, or commencing, prosecuting, or settling a case against a fast food employer.

§ 7-713. Pattern of Violations.

The phrase "pattern of such violations" in section 20-1309 of the Pay Deductions Law shall include a failure to deduct or remit deductions for a particular fast food employee or group of fast food employees, or a failure to honor the revocation(s) of a particular fast food employee or group of fast food employees more than twice in a six month period.

§ 7-714. Recordkeeping.

- (a) Fast food employers must retain for at least two years copies of fast food employees' wage statements issued pursuant to state law requiring the notation of deductions.
- (b) A written acknowledgement of receipt of the notice required pursuant to section 20-1302(h) of the Pay Deductions Law signed and dated by each fast food employee along with a copy of the distributed notice shall constitute adequate proof of distribution for purposes of section 20-1305(a)(5) of the Pay Deductions Law.

§ 7-715. Waiver of Rights.

Any agreement by a fast food employee with the intent to prospectively waive or limit the fast food employee's rights pursuant to the Pay Deductions Law shall be invalid as a matter of law.