

## **Legislative Update**

### **JUNE 2023\***

*Disclaimer: This Legislative Update contains general information compiled as a service for MVSHRM members. MVSHRM cannot accept responsibility for any errors or omissions or any liability resulting from the use or misuse of any such information. For specific legal advice, please contact counsel. Thank you for your understanding.*

### **WAREHOUSE WORKERS IN NEW YORK RECEIVE NEW LEGAL PROTECTIONS**

Effective June 19, 2023, New York State enacted a law to protect workers in the warehousing and storage, merchant wholesaler, electronic stores, mail-order house, courier and express delivery service industries. The Warehouse Worker Protection Act creates new legal requirements for employers and employees in certain warehouse distribution centers. Under the law, there are new employer requirements as well as new rights for warehouse employees.

The law requires distribution centers to disclose work speed data to current and former employees to inform them about their job performance and rights in the workplace. The legislation also protects workers from disciplinary action or firing exclusively because of a failure to meet undisclosed speed quotes or quotas that do not allow for proper breaks. Workers are also protected from retaliation for making a complaint because they believe a quota violates their right to proper break time.

The law applies to any employer who directly or indirectly employs or has control over the wages, hours, or working conditions of either 100 or more employees at a single warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers in the State. A “warehouse distribution center” is defined using the North American Industry Classification System (NAICS) codes for warehousing and storage (excluding farm product warehousing and storage), merchant wholesalers, and electronic shopping and mail order houses, as well as couriers and express delivery services.

Employees covered by this law are those that work at a warehouse distribution center, are subject to quotas, and are not exempt from the minimum wage or applicable minimum wage orders, or any overtime compensation provisions of the Labor Law. Drivers or couriers to and from a warehouse are not included in this law. The Act does not require employers to use quotas or monitor work speed data and only applies to employers who choose to do so.

Additional information about the Warehouse Worker Protection Act can be located at the following website: [https://dol.ny.gov/WWPA?utm\\_medium=email&utm\\_source=govdelivery](https://dol.ny.gov/WWPA?utm_medium=email&utm_source=govdelivery).

Source: New York State Department of Labor

---

\* MVSHRM’s June 2023 Legislative Update is edited by Joseph A. DeTraglia, Esq., a labor and employment attorney with the Utica, New York law firm Joseph A. DeTraglia, Esq., P.C., who serves as MVSHRM’s Legislative Committee Chairperson and as a Past President of the Oneida County Bar Association. He can be reached at 315-790-8822 or at JD@DeTragliaLawFirm.com.