

Statute of Limitations for NY Employment Laws



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NEW YORK EMPLOYMENT LAWS STATUTE OF LIMITATIONS

The following list summarizes key New York laws and the statute of limitations for the various claims that may be filed pursuant to the specific law.

New York Statute	Limitations Period for Filing an Administrative Charge or Private Lawsuit, or Both
<p>New York State Human Rights Law (NYSHRL)</p>	<ul style="list-style-type: none"> ● An individual does not need to exhaust administrative remedies before filing a civil action. ● However, individuals must elect their remedies by filing a complaint with one of the following: <ul style="list-style-type: none"> ○ The New York State Division of Human Rights (NYSDHR) within one year after the alleged violation; ○ a local human rights commission, such as the New York City Commission on Human Rights (NYCCHR), within one year after the alleged violation or within three years for claims for gender-based harassment; or ○ state court under the New York State Human Rights Law, the New York City Human Rights Law, or both within three years after the alleged violation. ● Effective August 12, 2020, the statute of limitations for filing a complaint with the

	<p>NYSDHR for sexual harassment is three years. All other claims will continue to have a one-year statute of limitations.</p>
<p>NY Minimum Wage Act</p>	<ul style="list-style-type: none"> ● An administrative or a private civil action must be filed within six years after the alleged violation. ● The statute of limitations for a civil action is tolled from the date an administrative action is filed until either: <ul style="list-style-type: none"> ○ an order to comply issued by the Commissioner becomes final; or ○ the date the Commissioner notifies the employee the investigation has concluded when no order has been issued.
<p>NY Equal Pay Law</p>	<ul style="list-style-type: none"> ● An administrative or civil action must be filed within six years after the alleged violation. ● The statute of limitations for a civil action is tolled from the date an administrative action is filed until either: <ul style="list-style-type: none"> ○ an order to comply issued by the Commissioner becomes final; or ○ the date the Commissioner notifies the employee the investigation has concluded when no order has been issued.

<p>NY Salary History Inquiry Law</p>	<ul style="list-style-type: none"> • None specified. Individuals believing an employer violated this law may bring a civil court action against such an employer or they may contact the New York State Department of Labor (NYDOL) Division of Labor Standards.
<p>Wage Theft Prevention Act (WTPA)</p>	<ul style="list-style-type: none"> • An administrative or civil action must be filed within 6 years after the alleged violation. • The statute of limitations for a civil action is tolled from the date an administrative action is filed until either: <ul style="list-style-type: none"> ○ an order to comply issued by the Commissioner becomes final; or ○ the date the Commissioner notifies the employee the investigation has concluded when no order has been issued.
<p>New York Paid Family Leave Benefits Law (NYPFL)</p>	<ul style="list-style-type: none"> • An employee must submit a completed claim package to their employer's insurance carrier within 30 days of their first day of leave • An employee must first make a Formal Request for Reinstatement. An employer has 30 calendar days to respond to the request. If the employer does not comply within 30 days, an employee has the right to a formal hearing with the Workers' Compensation Board. • Claims for retaliation must be submitted to the Workers' Compensation Board within 2 years of the alleged discriminatory action.

<p>Military Service Leave (Reemployment)</p>	<ul style="list-style-type: none"> • None specified, although the statute does provide for a private right of action. • The default three-year statute of limitations likely applies for violations other than retaliation.
<p>Military Spouse Leave</p>	<ul style="list-style-type: none"> • The statute does not expressly provide for a private right of action.
<p>Jury Duty Leave</p>	<ul style="list-style-type: none"> • The statute does not expressly provide for a private right of action and some courts have held there is no implied private right of action.
<p>Voting Leave</p>	<ul style="list-style-type: none"> • The statute does not expressly provide for a private right of action.
<p>Blood Donation Leave</p>	<ul style="list-style-type: none"> • This statute does not expressly provide for a private right of action.
<p>Bone Marrow Donation Leave</p>	<ul style="list-style-type: none"> • The statute does not expressly provide for a private right of action.
<p>Volunteer Emergency Responder Leave</p>	<ul style="list-style-type: none"> • The statute does not expressly provide for a private right of action.

<p>Nursing Mothers in the Workplace Act</p>	<ul style="list-style-type: none"> • The statute does not expressly provide for a private right of action.
<p>Crime Victims Leave</p>	<ul style="list-style-type: none"> • The statute does not expressly provide for a private right of action.
<p>Unemployment Insurance Law</p>	<ul style="list-style-type: none"> • Claims for unemployment insurance should be filed during the first week of total or partial unemployment. • Parties may appeal any decision denying benefits or affecting the amount of benefits given within 20 days from the date the determination notice is mailed or delivered. • Parties may appeal questions of law from any decision of the Unemployment Insurance Appeal Board to the courts within 30 days after the mailing or personal delivery of the Board's notice of decision.
<p>Workers' Compensation and Disability Benefits Law</p>	<ul style="list-style-type: none"> • An employee or an employee's representative must notify the employer in writing within 30 days of a work-related accident causing injury or 30 days after death related to a workplace injury. • Parties must appeal any decision made by a Workers' Compensation Board (WCB) judge or referee by filing an application for modification, rescission, or review with the WCB Appeals

	<p>Panel within 30 days of the filing date of the decision.</p> <ul style="list-style-type: none"> ● Parties must appeal a WCB Appeals Panel’s decision to the New York Supreme Court, Third Department, within 30 days of the decision. ● An administrative charge for discriminatory practices related to claiming or attempting to claim compensation, or for testifying or attempting to testify in relation to a claim, must be filed with the WCB within two years of the alleged discriminatory practice.
<p>Whistleblower Protections</p>	<ul style="list-style-type: none"> ● A civil action must be filed within one year after the alleged retaliatory action. ● A civil action by a health care employee must be filed within two years after the alleged retaliatory action.
<p>Prohibition Against Retaliation and Discrimination Under New York Labor Law</p>	<ul style="list-style-type: none"> ● A civil action for retaliation under the New York Labor Law must be filed within two years after the alleged retaliatory action. ● The statute of limitations is tolled from the date an employee files a complaint with the NYDOL or the NYDOL commences an investigation, whichever is earlier, until: <ul style="list-style-type: none"> ○ an order to comply issued by the Commissioner becomes final; or

	<ul style="list-style-type: none"> ○ the date the Commissioner notifies the employee the investigation has concluded when no order has been issued.
<p>Section 201-d Lawful Off-Duty Conduct</p>	<ul style="list-style-type: none"> ● None specified, although the statute does provide for a private right of action. ● The default three-year statute of limitations likely applies for violations other than retaliation.
<p>Section 203-e of New York Labor Law</p>	<ul style="list-style-type: none"> ● Neither the statute nor New York courts have addressed the statute of limitations for private civil actions.
<p>N.Y. Correction Law Article 23-A</p>	<ul style="list-style-type: none"> ● An administrative charge must be filed with the NYSDHR or the NYCCHR within one year after the alleged discriminatory practice. ● A civil action must be filed within three years after the alleged discriminatory practice.
<p>Fair Credit Reporting Act (Consumer Reports)</p>	<ul style="list-style-type: none"> ● A civil action must be filed within two years from the date on which liability arises. However, if the defendant has materially and willfully misrepresented any information required by law to be disclosed to an individual and the information is material to establishing the defendant's liability, the civil action may be

	<p>filed at any time within two years after the individual discovered the misrepresentation.</p>
<p>Polygraph Tests</p>	<ul style="list-style-type: none"> • None specified, although the statute does provide for a private right of action. • The default three-year statute of limitations likely applies for violations other than retaliation.
<p>New York State Worker Adjustment and Retraining Notification Act (WARN Act)</p>	<ul style="list-style-type: none"> • A civil action must be filed within six years after the alleged violation.

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