

NEW POSTING REQUIREMENT – NEW YORK DEPARTMENT OF LABOR ISSUES MANDATED NOTICE UNDER ENHANCED WHISTLEBLOWER PROTECTION LAW

Hodgson Russ Labor & Employment Alert
February 25, 2022

As we [previously reported](#), Section 740 of the New York Labor Law was recently amended to expand “whistleblower protections” for private sector workers. The amendments broadened the scope of the individuals entitled to bring claims - by adding “former employees” and “independent contractors” to the current employees the statute protected. They also dramatically increased the range of conduct protected against prohibited retaliatory acts by employers. Further, the amendments limited the extent to which an individual must provide notice to the employer before making a claim, lengthened the statute of limitations period for such complaints, and enhanced the remedies available to successful plaintiffs.

The legislation also required employers to affirmatively “inform employees of their protections, rights and obligations under [Section 740] by posting a notice thereof.” However, the amendments took effect on January 26, 2022 without any guidance from the State of New York as to the form and contents of this required notice.

The New York Department of Labor has now provided that guidance in the form of a model “Notice of Employee Rights, Protections, and Obligations Under Labor Law Section 740” posted to its website. The notice is available [here](#). Consistent with the legislation, employers should immediately post this notice “conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment.”

If you have any questions regarding the amendments to Section 740 or the new posting requirement, please contact [John Godwin](#) (716.848.1357), [Kinsey O'Brien](#) (716.848.1287), or any other member of the Hodgson Russ [Labor & Employment Practice](#).

Attorneys

Luisa Bostick
Joseph Braccio
Glen Doherty
Andrew Drilling
Ryan Everhart
Andrew Freedman
Peter Godfrey
John Godwin
Charles H. Kaplan
Karl Kristoff
Christopher Massaroni
Elizabeth McPhail
Lindsay Menasco
Kinsey O'Brien
Jeffrey Swiatek
Michael Zahler

Practices & Industries

Labor & Employment