



## Nail Salon Industry Enforcement Task Force

FACT SHEET

# Information for Salon Owners

## Overview

In May 2015, Governor Andrew M. Cuomo announced a multi-pronged effort to reform the nail salon industry in New York State by correcting and preventing unlawful practices and unsafe working conditions. Governor Cuomo assembled a multi-agency Task Force consisting of representatives from the Department of Labor, Department of State, and Department of Health to implement the reforms which include a comprehensive package of legislation and new emergency regulations, administrative changes, and an outreach campaign to educate workers, businesses and the public.

The information below will help you understand your responsibilities as a business in the nail salon industry. If you have any questions, contact the **Task Force Hotline at: 888-469-7365**.

## How to Start a Nail Salon

You must be at least 18 years old to obtain a business license. There is no minimum education or exam required. Businesses are required to obtain insurance or a bond and submit a completed application with fee (\$60) to the Department of State Division of Licensing Services. The license application will soon be clarified to highlight for all applicants what is and is not legally required to obtain a license. Additional requirements to starting a business can be found online at: [www.ny.gov/services/start-business-new-york-state](http://www.ny.gov/services/start-business-new-york-state).

## New Regulations for Salons in New York State

### Equipment Requirements

As of June 15, 2015, you must maintain the following equipment at each workstation and provide it to workers, upon request, and at no cost:

- A properly fitted N-95 or N-100 respirator, approved by the National Institute for Occupational Safety and Health, for each individual who uses the workstation. All workers must use these respirators when buffing or filing nails or when using acrylic powder. Nail salon owners must comply with U.S. Occupational Safety and Health Administration (OSHA) respiratory protection program requirements.
- Protective gloves made of nitrile, or another similar non-permeable material for workers with a sensitivity to nitrile gloves. You must have a sufficient number of gloves available so that each nail technician can use a new pair of gloves for each customer. All workers must wear gloves when handling potentially hazardous chemicals or waste and during cleanup, or when performing any nail service that has a risk of breaking the customer's skin.
- Protective eye equipment. All workers must wear eye protection when preparing, transferring or pouring potentially hazardous chemicals.



## **New Regulations (cont.)**

### **Posting Requirements**

You will be required to post a “Bill of Rights” in a place where it is easily visible to workers and the customers. As soon as it is available, the sign will be mailed to you and will be posted at any Department of State office and online.

### **Ventilation Requirements**

New requirements are being developed to ensure that salons and work stations are properly ventilated. Additional information will be provided once these requirements have been developed.

### **Notices of Violation**

If you are served with a Notice of Violation pertaining to unlicensed activity, you must immediately post a copy. The Notice must be posted in the front window, on the front door or on the outside wall of your business. It must be within five feet of the front door, at a vertical height of at least four to six feet from the ground or floor. The Notice of Violation may not be removed except when authorized by the Department of State.

### **Bond or Liability Insurance**

You must maintain liability coverage in the following amounts:

- Accident and professional liability insurance of at least \$25,000 per individual occurrence and \$75,000 in the aggregate
- Wages legally due to workers and other providers of nail services of:
  - a) At least \$25,000 if you employ one to four individuals
  - b) At least \$40,000 if you employ five to ten individuals
  - c) At least \$75,000 if you employ 11 or 25 individuals
  - d) At least \$125,000 if you employ 26 or more individuals.

The liability coverage may be obtained by purchasing:

- A bond in favor of the people of the State of New York
- Accidental and professional liability or general liability insurance, or
- A combination of the previous options provided that the coverage amounts are satisfied.

Evidence of liability coverage must be maintained in your business and made accessible by all workers at all times that the business is open.

## **How to Come into Compliance**

If you are cited for a violation, the investigator will explain any violations you may not understand. He or she will also explain what you need to do to cure the violation. If you do not speak English, an interpreter will help you understand the investigator.

By proactively contacting the Task Force Hotline at 888-469-7365, we can help your business become compliant and avoid violations.



## **Proper Wages**

You must pay your workers for every hour they work. Their pay must include overtime (more than 40 hours) as calculated each week.

**If they are tipped** and make at least \$2.15/hour in tips, they must make at least:  
\$6.60/hour during the first 40 hours per week and \$10.98/hour after 40 hours per week.

**If they are tipped** and make at least \$1.30/hour in tips, they must make at least:  
\$7.45/hour during the first 40 hours per week and \$11.83/hour after 40 hours per week.

**If they are not tipped**, they must make:  
\$8.75/hour during the first 40 hours per week and \$13.13/hour after 40 hours per week.

Overtime is calculated at 1.5 times each worker's hourly rate and will be higher than what is listed above if they make more than the rates above. The tip credit is only subtracted after overtime is calculated.

The total amount of tip credit you can claim per hour is:

- \$1.30 per hour if the worker's weekly tips average to more than \$1.30 per hour
- \$2.15 per hour if the worker's weekly tips average to more than \$2.15 per hour

If he or she makes less than \$1.30 per hour in tips in a week, you are not allowed a tip credit.

**IMPORTANT: You should never take tips or wages from a worker or pay them less than minimum wage. Workers should never pay to apply for a position, to get a job, for training, as punishment, for breakage or any other reason.**

## **No-Cost Business Services**

New York State helps businesses be compliant with laws and regulations and offers a number of no-cost services that can save your business time and money. With assistance available in multiple languages, our staff members can help ensure you are compliant with:

- Workers' compensation, disability and liability insurance
- Unemployment Insurance
- Industry licensure and certification requirements
- Mandatory posters required to be displayed within your industry
- Department of State, Tax and Finance and other documentation requirements
- Safety and Health Laws
  - The on-site consultation program provides free safety and health inspections to point out violations so businesses can correct problems and avoid penalties.
  - We can also help you understand and comply with applicable worker protections and regulations including state uniform, sanitary, industrial and mechanical codes.



## **No-Cost Business Services (cont.)**

### **Business Intelligence**

Economists at the State Department of Labor provide data on your area's labor market, wages and occupations, which can help your business succeed.

### **Job Posting and Customized Recruitment Assistance**

Post your jobs on Jobs Express ([www.jobs.ny.gov](http://www.jobs.ny.gov)) and the New York State Job Bank ([www.newyork.us.jobs](http://www.newyork.us.jobs)) for free. You can post jobs directly, have business services staff assist or use our indexing feature to copy openings direct from your own web site.

### **Find Qualified Workers**

New York State's customized recruitment assistance can help you find qualified workers. Give us the job description, skills and abilities desired and we'll find you the best candidates possible. Hiring events can be held at our facilities at no cost or at your place of business. This gives you the opportunity to meet qualified candidates face-to-face.

### **Human Resources Services**

Need help with Human Resources? We can help you develop and implement an effective hiring process tailored to your industry. Services include:

- Review/write your job descriptions and employee handbooks
- Develop performance evaluations and personnel policies
- Create orientation sessions for new workers
- Refine job interview techniques for efficiency and compliance
- Analyze employee turnover
- Explain labor laws to help you comply with wage/hour and safety/health regulations

## **Additional Assistance For Nail Salon Businesses**

**For more information about any business service described above, or to ask a question about your responsibilities as a business, please contact the Task Force Hotline at 888-469-7365.**