



New York State Nail Salon Industry Enforcement Task Force

FACT SHEET

Information for Salon Workers

Overview

In May 2015, Governor Andrew M. Cuomo announced a multi-pronged effort to reform the nail salon industry in New York State. This reform aims to correct and prevent unlawful practices and unsafe working conditions. Governor Cuomo put together a multi-agency Task Force that includes the Department of Labor, Department of State and Department of Health. This Task Force will ensure that the reforms are put into action. The reforms include a comprehensive package of legislation and new emergency regulations, administrative changes, and an outreach campaign to educate workers, businesses and the public.

The below information will help you understand your rights as a worker in the nail salon industry. If you have any questions or need to file a complaint, please call the **Task Force Hotline** at: **888-469-7365**.

How to Get a License

Anyone who is paid to cut, shape or enhance nails of the hands or feet, including applying or removing sculptured or artificial nails, is required by law to have a Nail Specialty license.

To get a license, you must be at least 17 years of age. You do not need to be a citizen of the United States to get this license. The application for this license asks for your social security number and federal tax identification number. If you do not have one of these numbers, you may leave those sections blank and write a note to explain why.

There are three ways you can get a license:

Option 1: Complete 250 hours of Department of State-approved education and pass a written and practical exam. Exams are offered in English, Spanish, Korean, Japanese, Russian and Chinese. The Department of State is also translating the exam into Nepali, Tibetan and Vietnamese.

Option 2: Complete comparable schooling in another state or country and pass both the New York State written and practical exams.

Option 3: Submit proof of having five years of out-of-state experience in an occupation equivalent to nail specialty. This option does not require you to pass the New York State written and practice examinations.



New Requirements for Salons in New York State

Equipment Requirements

As of June 15, 2015, the owner of your salon must provide certain safety equipment at each workstation. The owner must give this equipment to you at no cost if you ask:

- A properly fitting N-95 or N-100 respirator, approved by the National Institute for Occupational Safety and Health. You have the right to access and use a respirator when buffing or filing nails, or when using acrylic powder.
- Protective gloves made of nitrile, or another similar non-permeable material for workers with a sensitivity to nitrile gloves. The owner of your salon must have a enough gloves available so that you can use a new pair for each customer. You have the right to access and 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. You have the right to access and wear eye protection when preparing, transferring or pouring potentially hazardous chemicals.

Posting Requirements

The owner of your salon must post a "Bill of Rights" in a place where you and customers can easily view it. You have a right to the protections described on this sign.

Bond or Liability Insurance

The owner of your salon must obtain sufficient accident and professional liability coverage. In addition, if the owner has hired nail specialists that together perform more than 80 hours of nail specialty services per week, the owner is required to purchase and maintain a bond that includes coverage to guarantee your wages. A copy of these policies or bonds must be kept in the salon and be available to all workers during hours when the business is open.

Proper Wages

As a nail salon worker, you must be paid for every hour you work. This includes overtime and is true even if you are paid on "commission" or are inexperienced. Wages are calculated each week.

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

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

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



Proper Wages (cont.)

Please note: the numbers on the previous page are minimums. If, for instance, you are paid at a higher hourly rate than \$8.75, your overtime is calculated at 1.5 times that higher rate. If you are paid at an hourly rate below \$8.75, your overtime is \$13.13, minus the amount of tip credit that your employer actually uses.

A tip credit allows your employer to use a portion of your tips to cover the minimum wage. If you make less than \$1.30 per hour in tips each week, your employer is not allowed a tip credit.

Employers should never take your tips or wages or pay you less than the minimum wage, which is \$8.75 per hour. You should never pay an employer: to apply for a position, to get a job, for training, as punishment, for breakage or any other reason.

Career Services

New York State offers a wide range of job search assistance. Many businesses use our centers to conduct on-site interviews. In addition, job placement specialists there can help you to target your job search.

All services and resources described below are free of charge and are provided to workers through New York State Career Centers. These services are offered in multiple languages.

Career Counseling

Our counselors will help you assess your needs, skills and interests. They will guide you through a step-by-step approach to your job search and help you find out what skills you need to continue working in the nail salon industry or find other employment. Our counselors can also give you valuable local labor market information and wage data to help you in your search.

Resume Development

Expert staff will help you write and design a resume that gets results. We will show you how to tailor your resume for firms that use resume scanning software and how to market your skills on the Internet.

Adult Basic Education/English as a Second Language

We can refer you to free courses to get a high school equivalency diploma and/or to improve your English-language skills.

Career Workshops

You can explore topics in a group setting, including job-search strategies, networking, transferring skills, resume preparation, interview practice and computer skills.



Career Services (cont.)

Self-Service Resources

Job seekers can use our personal computers, which have high-speed Internet connections. You'll learn how to use the Internet to locate jobs. We also have hardware and software for the visually impaired.

We have telephones that allow you to speak privately to prospective employers. There are fax machines and copiers you can use at no charge, as well as a TDD/TTY line.

Training Consultation

We can help identify available short-term training for long-term careers. If you are interested in training opportunities, please speak to a Career Center counselor.

Referrals to Other Community Resources

Career Center staff can provide information about a variety of support services in your local community.

To find your closest Career Center, visit: www.labor.ny.gov/career-center-locator or call: 888-469-7365.

Immigration Services

We can refer you to free or low cost immigration assistance services when you visit a Career Center. You may also call the Office for New Americans hotline at: 1-800-566-7636 or visit: www.newamericans.ny.gov.

Additional Assistance for Nail Salon Workers
For more information about any service described above, to ask a question about your rights or to file a complaint, please call the Task Force Hotline at: 888-469-7365.