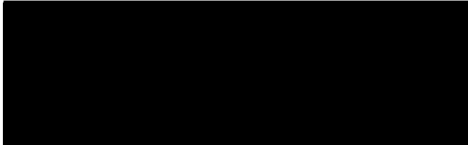




New York State Department of Labor
David A. Paterson, Governor
M. Patricia Smith, Commissioner

January 7, 2009



Re: Request for Opinion
Day's Work
R0-08-0162

Dear [REDACTED]:

This letter is written in response to yours of December 15, 2008 in which you ask whether a job appraisal that you received from your manager may be revoked due to discrepancies, and whether you must be paid for time spent in attendance at a mandatory staff meeting.

In regard to your first question, please be advised that there is no New York State law or regulation governing the manner in which private employers conduct job performance appraisals. Therefore, the Department of Labor cannot express any opinion or take any action on this issue.

In regard to your second question, it is this Department's interpretation of law that, in most cases, required attendance at an employment related function constitutes working time for which an employee must be paid. This would include attendance at a mandatory staff meeting. If you contend that you were not paid for such working time, I recommend that you make a complaint to this Department's Division of Labor Standards. The Division will conduct an investigation of your complaint and take appropriate action.

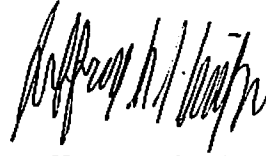
You may make your complaint to the New York State Department of Labor, Division of Labor Standards, 400 Oak Street, Suite 101, Garden City, New York 11530. You may contact the Division by telephone at 516-794-8195.

This opinion is based on the information provided in your letter of December 15, 2008. A different opinion might result if the circumstances outlined in your letter changed, if the facts

provided were not accurate, or if any other relevant fact was not provided.

Very truly yours,

Maria L. Colavito, Counsel

A handwritten signature in black ink, appearing to read "Jeffrey G. Shapiro". The signature is written in a cursive, somewhat stylized font.

By: Jeffrey G. Shapiro
Associate Attorney

MLC:JGS:jc
cc: Carmine Ruberto