April 23, 2010

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Re: Request for Opinion
Frequency of Payments
Camp Counselors
RO-10-0008

Dear ████,

      This letter is written in response to your letter dated January 14, 2010, in which you request an opinion regarding the correct frequency of payments to full-time camp counselors at a summer camp that has been confirmed to be a non-profit institution. Your letter states that an employee of the Department of Labor indicated to one of your employees that since camp counselors at a summer camp are not covered by the minimum wage law, they may be paid at a frequency the employer sees fit. Your letter requests confirmation of the information you received.

      You were correctly informed that camp counselors are not covered by the New York State minimum wage requirements (Labor Law §651(5)(l)) as contained in Article 19 of the Labor Law. However, Section 191 of the New York State Labor Law, which regulates how frequently an employee must be paid, does not contain an exception for such employees. While nothing in that Section exempts or specifically addresses the frequency with which camp counselors at summer camps are required to be paid, please be advised that employees of a non-profit institution must be paid in accordance with their agreed terms of employment, but not less frequently than semi-monthly. This requirement would, therefore, apply to Camp ████████████.

      This opinion has been provided on the basis of the facts set forth in your letter. A different opinion might result if the circumstances outlined in your letter change, if the
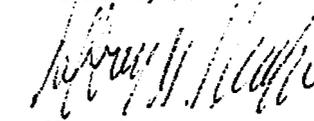
facts provided were not accurate, or if any other relevant fact was not provided. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Maria L. Colavito, Counsel

By: _Jeffrey G. Shapiro_
Jeffrey G. Shapiro
Associate Attorney

JGS:mp