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

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November 12, 2009

[REDACTED]

Re: Request for Opinion  
Labor Law §195 Applicability  
Public School Districts and BOCES  
RO-09-0148

Dear [REDACTED]

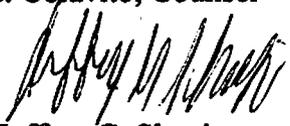
This letter is written in response to yours dated October 30, 2009 in which you request a formal opinion as to whether public school districts and Boards of Cooperative Educational Services in New York are within the coverage of Section 195 of the Labor Law.

As you note in your letter, Labor Law §190(3) states that the term "employer" as used in Article 6 of the Labor Law, of which Labor Law §195 is a part, does not include "a government agency." As school districts and Boards of Cooperative Educational Services are properly considered to be government agencies, they are not "employers" subject to Section 195 of the Labor Law.

This opinion is based on the information provided in your letter dated October 30, 2009. 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  
Associate Attorney

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cc: Carmine Ruberto

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