



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

OPINION  
FILE

October 16, 2008

[REDACTED]

Re: Request for Opinion  
Article 12-A--"Manufacturer"  
RO-07-0111

Dear [REDACTED]

This letter is written in response to your request for an opinion dated October 16, 2007. Please accept my apology for the late response to your request. Your letter states that your firm represents a company that purchases "1<sup>st</sup> and 2<sup>nd</sup> cut garments" from apparel manufacturers all over the world, sorts the garments by size and color, pre-packages the garments and subsequently sells the garments to closeout retail stores within the United States. Your letter asks whether the undertaking of receiving, pre-packaging by size and color as well as shipping, constitutes "assembling" of garments as that term is used within the definition of "manufacturer" in Labor Law §340(d). Please be advised that the activities you describe do not constitute "assembling" within the meaning of Labor Law §340(d) since such activities are outside of the production process of garments.

This opinion is based on the information provided in your letter of October 16, 2007. 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. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Maria L. Colavito, Counsel

By: Benjamin T. Garry  
Senior Attorney

cc: Carmine Ruberto  
DOL files

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