



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

February 11, 2009

[REDACTED]

Re: Request for Opinion
Wage order Exemption
Labor Law §652(3)(b)
RO-07-0012

Dear [REDACTED]:

This letter is written in response to various correspondence submitted by you on behalf of your client [REDACTED] the most recent of which was your letter of December 14, 2007. Please be advised that this letter and the accompanying documents provided therein, sufficiently demonstrate that [REDACTED] is exempt from the minimum wage requirements of Article 19 of the Labor Law pursuant to Labor Law §652(3)(b).

The documentation you have provided to the Department indicates that the organization in question was incorporated in 1948 under the name [REDACTED]. The documents further indicate that in 1985, [REDACTED] with the surviving corporation being that of [REDACTED] under the name [REDACTED]. Subsequent mergers [REDACTED] in 1996 and 1999, respectively, did not require reincorporation of [REDACTED] or the creation of a new organization. Finally, in 2004, [REDACTED] changed its name to [REDACTED].

As [REDACTED] has met the requirements for registration with this Department pursuant to the Division of Labor Standards May 30, 1975 letter, previously enclosed, and the activities described above do not constitute the formation of a new organization, the organization [REDACTED] is exempt from the minimum wage requirements of Article 19 of the Labor Law and is thereby subject to the provisions of 12 NYCRR Part 143.

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This opinion is based on the information provided in your letters dated January 31, 2007 and December 14, 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.

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 style with some loops and flourishes.

By: Jeffrey G. Shapiro
Associate Attorney

JGS:da
cc: Carmine Ruberto