

Company requires lunch on premises



HELP WANTED

Carrie Mason-Draffen

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DEAR CARRIE: I worked for a regional bank/credit union. While working at the company, I was continually denied the opportunity to leave the office for lunch because of a staffing shortage. Many times the office would have just two people on staff for the day, making it impossible for anyone to leave. I usually was allowed time to eat lunch uninterrupted because of the low volume of customers. But I was permitted to leave only when adequate staff was on hand, which was the exception, not the norm. I could never go to the post office, shop for groceries or run other errands many normal people get done on their lunch hour. Staff in other locations have experienced the same restrictions. From what I have been able to research online, this practice doesn't seem legal. Do my former co-workers have rights? Can the bank/credit union be subject to lawsuits from employees?

— *Lunch With Rules*

DEAR LUNCH: The answer unfortunately won't make your lunch go down any easier.

Though New York State law entitles you to at least a 30-minute, uninterrupted meal break if you work more than six hours a day, your employer *can* restrict your mobility at that time, said a Manhat-



It is not illegal to keep workers on company premises for their lunch break, an employment attorney says.

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tan employment lawyer.

"There is no requirement that the employee be permitted to leave the premises," said Richard Kass of Bond, Schoenck & King. "An employer may require employees to stay on the premises during their lunch break."

And if you aren't just speaking figuratively and really have a "lunch hour," then your employer is giving you more than the state mandates.

"In fact, it seems that this employer is more generous than the law requires," Kass said. "There is no right to a 'lunch hour'; all that is required is a lunch half-hour."

DEAR CARRIE: I have a question regarding workers' comp. I clocked out for my half-hour lunch. While at lunch, I fell by my house and sustained injuries bad enough to keep me at

home for several days. Should this be considered an absence under WC? — *Which Claim?*

DEAR WHICH: I went straight to the state Workers Compensation Board for an answer. It's probably not a workers' comp case.

"Workers' compensation benefits are for employees who are injured on the job," said a board spokesperson. "In general, injuries that occur during a lunch break off the employer's premises are deemed to occur off the job and thus not eligible for workers' compensation, except under very

limited circumstances."

You should check with your company to see what your other options are for getting some pay for those missed days.

DEAR CARRIE: I was laid off from a contracting position because funding for a project ended. When am I eligible to submit my first unemployment claim? — *Newly Jobless*

DEAR NEWLY: I am glad for your question because it is important to submit your claim in a timely fashion. Here is what the state Labor Department's website says:

"Promptly file your claim, in the first week that you lose your job. You must serve an unpaid waiting period, equal to one full week of unemployment benefits, before you receive payments. A delay in filing may cost you benefits."

If you will receive severance payments that will equal at least \$450 a week, the current maximum weekly unemployment benefit, then you wouldn't be eligible to receive benefits for those weeks. Still, it is good to file for benefits as soon as you are able so that you are in the system when you qualify for them.

Call Carrie Mason-Draffen with workplace questions at 631-843-2791, or email her at carrie.mason-draffen@newsday.com. Your name and number won't be published. Not all questions can be answered; some may be edited for length and clarity.

How NAFTA 2.0 will shake up U.S. business as usual

The Associated Press

American dairy farmers get more access to the Canadian market. U.S. drug companies can fend off generic competition for a few more years. Automakers are under pressure to build more cars where workers earn decent wages.

The North American trade agreement hammered out late Sunday between the United States and Canada, following an earlier U.S.-Mexico deal, shakes up — but likely won't revolutionize — the way businesses operate within the three-country trade bloc.

The new United States-Mexico-Canada Agreement replaces the 24-year-old North American

Free Trade Agreement, which tore down trade barriers between the three countries. But NAFTA encouraged factories to move to Mexico to take advantage of low-wage labor in what President Donald Trump called a job-killing "disaster" for the United States.

Economists, trade attorneys and businesses are still parsing the agreement. But here's an early look at what it means for different players.

Farmers

Trump has raged about Canada's tariffs on dairy imports, which can approach 300 percent. The new agreement ends the discriminatory pricing.

It also expands U.S. access to

up to 3.75 percent of the Canadian dairy market (versus 3.25 percent in the Trans-Pacific Partnership agreement the Obama administration negotiated but Trump nixed his first week in office). Above that level, U.S. dairy farmers will still face Canada's punishing tariffs. And the "supply management" system Canada uses to protect its farmers is still largely in place.

Automakers

NAFTA remade the North American auto market. Automakers built complicated supply chains that straddled NAFTA borders.

The new agreement changes things up. For one thing, the percentage of a car's content that

must be built within the trade bloc to qualify for duty-free status rises to 75 percent from 62.5 percent. A bolder provision requires that 40 percent to 45 percent of a car's content be built where workers earn \$16 an hour. That is meant to bring production back to the United States or Canada and away from Mexico (and perhaps to put some upward pressure on Mexican wages).

The provisions could drive up car prices for consumers.

Multinational companies

NAFTA allowed multinational companies to go to private tribunals to challenge national laws they said discriminated against them and violated the terms of the trade agreement.

The new pact scales back provisions protecting foreign investment. Lori Wallach, director of Public Citizen's Global Trade Watch and a sharp critic of NAFTA, praised the new agreement for reining in what she called NAFTA's "outrageous" tribunal system that had allowed big companies to launch "attacks on environmental and health policies."

Drug companies

The pact delivers a windfall to pharmaceutical companies that make biologics — ultraexpensive drugs produced in living cells. It gives them 10 years of protection from generic competition, up from eight the Obama administration negotiated in the TPP.