

# Client Alert

Employment Department

October 2009

## **New York Law Requires Written Notice to Employees of Rates and Timing of Pay**

Effective October 26, 2009, New York Labor Law § 195(1) requires employers to give written notice to employees hired on or after that date, at the time of hire, of certain wage information and to obtain a written acknowledgement from each new hire that he or she received such information. Under this law, employers need to provide written notice of the following:

- The rate of pay
- The overtime rate of pay (for non-exempt employees)
- The regular pay day

An employer must obtain written acknowledgement from each employee that he/she has been notified of the above information.

On October 28, 2009, the New York State Department of Labor released a form, which is available on its website<sup>1</sup> and is also attached to this alert, that employers must use as documentation of the written notice they provide to employees of their rates of pay, their pay dates and their overtime rates. This form must be provided to all new employees before they begin work. A duplicate signed copy of the form is to be given to the employee and the original must be kept by the employer for six years.

Please feel free to contact the partner listed below or any partner with whom you work if you would like to discuss the content of this alert and its potential ramifications.

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[http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/LS\\_52\\_Hourly\\_Rate\\_Plus\\_Overtime.pdf](http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/LS_52_Hourly_Rate_Plus_Overtime.pdf)

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**Labor Law Section 195(1)**  
**Notice and Acknowledgement of Wage Rate and Designated Payday**  
**Hourly Rate Plus Overtime**

<b><u>Employer</u></b>	<b><u>Employee</u></b>
Company Name _____	Name _____
FEIN _____	Street address _____
Street address _____	Apt. _____ City _____
City _____ State _____	State _____ Zip: _____
Zip _____	Phone (_____) _____ - _____
Phone (_____) _____ - _____	
Preparer's Name _____	
Preparer's Title _____	

Your rate of pay: \_\_\_\_\_ per hour.

Your overtime rate of pay: \_\_\_\_\_ per hour.

Designated pay day: \_\_\_\_\_

I hereby certify that I have read the above and the information contained in this form is true and accurate to the best of my knowledge and belief. Any false statements knowingly made are punishable as a class A misdemeanor (Section 210.45 of the New York State Penal Law).

Date: \_\_\_\_\_

\_\_\_\_\_ [Preparer's Signature]

**General Statement Regarding Overtime Pay in New York:**

Almost all employees in New York must be paid overtime wages of 1½ times their regular rate of pay for all hours worked over 40 per workweek. A very limited number of specific categories of employees are covered by overtime at a lower overtime rate or not at all.

I hereby acknowledge that I have been notified of my wage rate, overtime rate, and designated pay day on the date set forth below.

Date: \_\_\_\_\_

\_\_\_\_\_ [Employee's Signature]

*A duplicate signed copy of this form is to be provided to the employee. Original must be kept by the employer.*