

## **New York State Imposes Additional Notice and Record Keeping Requirements upon Employers**

On July 28, 2009, Governor Paterson signed into law a bill titled “An act to amend the labor law, in relation to providing notice to employees of the terms and conditions of employment.” The purpose of the law is to allow employees to determine whether or not their paychecks accurately reflect the hourly rate of pay agreed to by their employer when they were hired. The new amended law, New York State Labor Law § 195(1), became effective on October 26, 2009.

Prior to this amendment, § 195(1) simply required that an employer notify his employees of their rate of pay and their regular pay day. Employers were required to make this notification to employees at the time the employee was hired.

New York State Labor Law § 195(1) now imposes additional requirements upon employers. Effective October 26, 2009, employers must notify employees, *in writing*, of their rate of pay and regular pay day. If the employee is eligible for overtime compensation, the *written notice must also state the overtime rate of pay*. *Written notification* must be provided to the employee *at the time of hiring*. In addition, employers must *obtain written acknowledgement of receipt of this notice from each employee*. The *form* of such acknowledgement must comply with the requirements established by the Commissioner of the New York State Department of Labor, M. Patricia Smith. This includes mandatory use of the model Notice and Acknowledgement of Wage Rate Form for newly hired, non-exempt, hourly employees. The form is available on the New York State Department of Labor web site at [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).

Employers are required to keep the notice and acknowledgement forms on file for at least *six years*.

The New York State Department of Labor has published specific guidelines regarding Notice and Acknowledgement of Wage Rate for Temporary Help Firms. These guidelines apply specifically to employees hired by temporary help firms and not to employees hired by other employers for temporary positions. [http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/Temporary\\_Help\\_Firms-Guidelines\\_195%201.pdf](http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/Temporary_Help_Firms-Guidelines_195%201.pdf)

In addition, the New York State Department of Labor has provided a Notice and Acknowledgement of Wage Rate Form specifically for temporary help firms. [http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/Form\\_Notice\\_and\\_Acknowledgement\\_of\\_Wage\\_Rate.pdf](http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/Form_Notice_and_Acknowledgement_of_Wage_Rate.pdf)

The purpose of this publication is to alert you to legal updates and developments. This is a general informational update and should not be considered legal advice.

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