

New York Employers Relieved of Annual Wage Theft Prevention Act Notice Requirement

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January 8, 2015

New York Governor Andrew M. Cuomo signed legislation (S.5885-B) on December 29, 2014, eliminating New York's annual wage notice requirement (mandating a written notice of pay rates and other information during the month of January to all employees, regardless of the timing of pay increases or date of hire) codified in New York Labor Law § 195 by the 2011 Wage Theft Prevention Act (WTPA). This change does not modify other notice requirements under the WTPA, New York Department of Labor Wage Orders, or federal law as applicable.

Employers must notify each new hire as required by the WTPA. The written notice must include the following, with hospitality industry employers subject to modified requirements:

- Rate or rates of pay, including overtime rate of pay (if it applies);
- How the employee is paid (e.g., by the hour, shift, day, week, or commission);
- Regular payday;
- Official name of the employer and any other names used for business (i.e., DBA);
- Address and phone number of the employer's main office or principal location; and
- Allowances taken as part of the minimum wage (e.g., tips, meal and lodging deductions).

The notice must be given both in English and in the employee's primary language (if the state Labor Department offers a translated notice in that language). The Department currently offers translations in the following languages: Spanish, Chinese, Haitian Creole, Korean, Polish, and Russian.

Jackson Lewis attorneys are available to assist employers with their compliance efforts with this and other workplace requirements.

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