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CLIENT ALERT: Employers Must Provide Employees in New York with Written Notice of Pay Information

Effective October 26, 2009, employees in New York hired on or after that date must be given written notice at the time of hire of their: (1) regular rate of pay; (2) regular pay day; and (3) the overtime rate of pay for those employees eligible for overtime. Employers will also be required to obtain written acknowledgment of receipt of this information from all new employees at that time. The acknowledgement must conform to standards established by the Commissioner of Labor for form and content. The Commissioner has not yet issued these standards.

On July 28, 2009, New York Governor David Paterson signed this legislation, which amends Section 195 of the New York Labor Law. Presently, Section 195 requires employers to notify new employees, at the time of hire, of their regular rate of pay and regular pay day, but not of their overtime rate. Prior to the amendment, employers did not have to provide this information in writing or obtain a written acknowledgement from employees. Pursuant to Section 190 of the New York Labor Law, "governmental agencies" are not subject to the requirements of Labor Law § 195.

If you have any questions about this change in the law, or any other issue concerning an employer's obligations, please contact your MBJ attorney.

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