

Labor & Employment Advisory

From the Buchanan Ingersoll & Rooney Labor and Employment Group

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New York DOL Issues Forms to Use When Notifying Employees of Rates of Pay

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New York Labor Law Section 195 became effective on October 26, 2009. ([See our September 3, 2009, "NY Employers Must Now Advise New Hires in Writing Rate of Pay" advisory.](#)) Pursuant to Section 195, New York employers must provide new employees with written notice of: (1) pay dates; (2) regular hourly pay rates; and (3) overtime rates of pay for all employees eligible to receive overtime compensation. Section 195 requires employers to provide this information before an employee starts working, to obtain written acknowledgements from employees confirming that they received the required notification, and to keep the signed statements for six years.

The New York Department of Labor (DOL) has now issued notice forms and fact sheets related to Section 195. The documents include an official Notice & Acknowledgement of Wage Rate and Designated Payday form that must be given to and signed by all new employees, along with Section 195 Fact Sheets for employees and employers. The DOL also issued separate materials for temporary help firms. These documents include a Notice & Acknowledgement of Wage Rate(s)/Temporary Help Firms and a Temporary Help Firm Guidelines. All of these documents can be obtained at: <http://www.labor.state.ny.us/workerprotection/laborstandards/workprot/lshmpg.shtm>.

Forms specifically addressing commissioned salespersons and exempt employees will be posted by the New York DOL in the near future. In the meantime, the DOL states that employers should use the official Notice & Acknowledgement of Wage Rate and Designated Payday form for new employees, strike any pay agreement language that does not apply and attach a complete statement of all elements of the pay agreement.

For more information, email the author(s) at leadvisory@bipc.com.

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