

Labor & Employment Advisory

From the Buchanan Ingersoll & Rooney Labor and Employment Group

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New York Employers Must Now Advise New Hires in Writing of Their Rate of Pay and Overtime Rate

By Peter M. Avery

New Notice Requirements

New York recently amended its Labor Law § 195 to require employers to advise all new hires in writing of their rate of pay and regular pay day. For non-exempt, overtime-eligible employees, the notice must include the regular hourly rate as well as the overtime rate. Employers also must obtain from each new hire a written acknowledgment of the required notice. Before this amendment, the labor law required only that new hires be advised of the rate of pay and regular pay day. No written notice, written acknowledgment of that notice, or statement of the overtime rate was previously required.

This amendment to Labor Law § 195 takes effect on October 26, 2009, so all employees hired after that date must be given the notice and provide written acknowledgment of it.

Implications

Because the amendment requires that, where applicable, employees' overtime rate be explicitly stated upon hire, the amendment highlights the employer's duty to properly classify its employees as exempt or non-exempt from overtime, both at the beginning of employment, and if and when employees' duties change.

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