

NY State Department of Labor Publishes Notice and Acknowledgement of Wage Rate Forms and Fact Sheets

by William J. Milani, Jeffrey M. Landes, Susan Gross Sholinsky, Anna A. Cohen
October 2009

As we previously reported in our [Summer 2009 New York State Employment Law Update](#), as of October 26, 2009, New York Labor Law Section 195(1) requires employers to notify all newly hired employees of the following: (i) rate of pay, (ii) regular paydays, and (iii) hourly rate and overtime pay rate (for all non-exempt employees). Employees must sign a statement acknowledging receipt of the written notice, and employers must keep the signed statement for at least six years.

On October 28, 2009, the New York State Department of Labor (“DOL”) published an official form entitled, “Labor Law Section 195(1) Notice and Acknowledgement of Wage Rate Hourly Rate Plus Overtime,” to be used for newly hired, non-exempt, hourly employees. The DOL also published Fact Sheets for both Employers and Workers, each of which state that notice must be given on the official form from the DOL. The notice must be provided to employees at the time of hire, before they do any work. The DOL’s Forms and Fact Sheets may be accessed at the DOL [Web site](#).

The DOL has informed us that it is currently preparing additional Notice and Acknowledgment Forms for other categories of employees, such as commissioned salespersons, non-exempt salaried employees and exempt employees. In addition to the forms, the DOL will also publish guidelines to assist employers in complying with the new requirements. The DOL has already published guidelines for temporary employment agencies on its Web site, along with a Notice and Acknowledgment Form to accommodate pay rates that vary for temporary assignments.

The DOL has advised that employers are no longer permitted to satisfy the new-hire notice and acknowledgment requirements by simply incorporating the required terms in offer letters or other “unofficial” forms. According to the DOL, employers must use the recently published official DOL Notice and Acknowledgment Form for all categories of employees (even though this form was created for use with non-exempt hourly employees). Once the DOL publishes its other Notice and Acknowledgment

EPSTEINBECKERGREEN | CLIENT ALERT

Forms, the appropriate form should be used. We will provide additional information regarding these other Notice and Acknowledgment Forms, as well as the related guidelines, when they are published by the DOL.

If you have any questions regarding this Client Alert or how to conform the official DOL Notice and Acknowledgment Form for exempt, salaried non-exempt, or any other category of employees, please contact:

William J. Milani
New York
212-351-4659
Wmilani@ebglaw.com

Jeffrey M. Landes
New York
212-351-4601
Jlandes@ebglaw.com

**Susan Gross
Sholinsky**
New York
212-351-4789
Sgross@ebglaw.com

Anna A. Cohen
New York
212-351-4922
Acohen@ebglaw.com

* * *

This document has been provided for informational purposes only and is not intended and should not be construed to constitute legal advice. Please consult your attorneys in connection with any fact-specific situation under federal law and the applicable state or local laws that may impose additional obligations on you and your company.

© 2009 Epstein Becker & Green, P.C.

ATLANTA • BOSTON • CHICAGO • HOUSTON • LOS ANGELES • MIAMI
NEW YORK • NEWARK • SAN FRANCISCO • STAMFORD • WASHINGTON, DC

Attorney Advertising

www.ebglaw.com

