

New York Department of Labor Update: Use of NYDOL's Pay Date and Pay Rate Notice and Acknowledgement Form is Not Required

As noted in our October 13 and November 4, 2009 Alerts, New York Labor Law § 195 was recently amended to require employers to provide all newly hired employees with written notice of their regular pay day and rate of pay prior to the time they do any work and to obtain written acknowledgement from each new hire of the receipt of this notice. On October 28, 2009, the New York Department of Labor ("NYDOL") published a notice and acknowledgement form for this purpose. As indicated in our November 4 Alert, at the time the form was published there was conflicting information about whether employers were required to use NYDOL's form (which appeared to be for hourly, non-exempt employees and not for other types of employees, such as salaried employees) or could substitute their own form covering all the required information.

NYDOL has now clarified its position. On December 2, 2009, it announced that employers may use the sample form or create their own form, as long as the requisite information is covered. NYDOL has also said that it intends to release additional sample forms for different types of pay arrangements, including salaried, prevailing rate, exempt, and others. When they are published, the additional forms will be located at <http://www.labor.state.ny.us/workerprotection/labor-standards/workprot/lshmpg.shtm>. ♦

If you would like more information about this alert, please contact one of the following attorneys

Ellen Martin
Lisa Cleary

212.336.2860
212.336.2159

emmartin@pbwt.com
lecleary@pbwt.com

IRS Circular 230 disclosure: Any tax advice contained in this communication (including any attachments or enclosures) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication. (The foregoing disclaimer has been affixed pursuant to U.S. Treasury regulations governing tax practitioners.)

This alert is for general informational purposes only and should not be construed as specific legal advice.

To subscribe to any of our publications, call us at 212.336.2329, email info@pbwt.com, or sign up on our website, www.pbwt.com/resources/publications. To unsubscribe, please send an email to info@pbwt.com with the subject: unsubscribe.