



November 2009

**Employers Must Use New York State Department of Labor Forms for
New Hire Pay Information**
UPDATED December 2009

Last summer, Section 195 of New York's Labor Law was amended to require employers to provide employees hired on or after October 26 of this year with written notice stating the employee's:

1. pay rate;
2. eligibility for overtime and, if eligible, the overtime rate; and
3. scheduled payday.

Furthermore, the employee must acknowledge receipt of the information in writing. The form must be completed and signed before the employee does any work. The completed and signed form must be kept for six years. Providing false information on the form is a misdemeanor.

The New York State Department of Labor ("NYSDOL") initially required employers to use a form it had drafted, even if all required information was also given to the employee in an offer letter or other written document. That form includes a statement that "Almost all employees in New York must be paid overtime wages...A very limited number of specific categories of employees are covered by a lower overtime rate or not covered at all."¹ Possibly because of employer opposition to that statement, the NYSDOL has withdrawn the requirement that its form must be used, and now states that "no particular form is required." Employers drafting their own forms must remember, however, to include all of the information listed above.

The NYSDOL form can be accessed at:

<http://www.labor.state.ny.us/workerprotection/laborstandards/workprot/lshmpg.shtm>
(scroll down to **NEW LABOR LAW - Notice of Pay Rate and Payday for New Hires**)

For more information about the New York Labor Law, including procedures, laws and regulations, please visit the New York State Department of Labor at <http://www.labor.state.ny.us/>.

This alert is meant to provide general information only, not legal advice. Please contact Judith Moldover at Lawyers Alliance for New York at (212) 219-1800 x 250 or visit our website www.lawyersalliance.org for further information.

¹ If you are uncertain which of your employees must legally be paid overtime, consult an attorney.