

November 2, 2009

## **New York Labor Law Amendments Take Effect**

In September, we issued an advisory describing recent amendments to New York Labor Law § 195. The amended Labor Law requires employers to provide written notification to newly hired employees of their regular rate of pay and their regular pay day. Non-exempt employees who are eligible to receive overtime pay must be provided with written notice of their overtime wage rate as well. This new law applies only to employees that are hired on or after October 26, 2009.

The amended Labor Law also requires employers to obtain a written, signed acknowledgement from employees indicating that they received notice of their rate of pay and their regular pay day. The written, signed acknowledgement must be received prior to the employee's start date. On October 28, 2009, the New York State Department of Labor released an official form that employers may provide to newly hired employees in order to satisfy their obligations under the amended Labor Law. Whether this form must be used or whether employers may draft their own notice and acknowledgement form remains an open question. However, since a current fact sheet by the New York State Department of Labor suggests that the form must be used, we are advising clients to use the form with their new hire paperwork and to distribute this form to all employees who are hired on or after October 26, 2009. The official form is attached to this advisory. If you have any questions about New York Labor Law § 195, please contact [Adam Harris](#) at (212) 758-7724.

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**Labor Law Section 195(1)**  
**Notice and Acknowledgement of Wage Rate and Designated Payday**  
**Hourly Rate Plus Overtime**

<u>Employer</u>	<u>Employee</u>
Company Name _____	Name _____
FEIN _____	Street address _____
Street address _____	Apt. _____ City _____
City _____ State _____	State _____ Zip: _____
Zip _____	Phone (____) _____ - _____
Phone (____) _____ - _____	
Preparer's Name _____	
Preparer's Title _____	
Your rate of pay: _____ per hour.	
Your overtime rate of pay: _____ per hour.	
Designated pay day: _____	

I hereby certify that I have read the above and the information contained in this form is true and accurate to the best of my knowledge and belief. Any false statements knowingly made are punishable as a class A misdemeanor (Section 210.45 of the New York State Penal Law).

Date: \_\_\_\_\_  
\_\_\_\_\_  
**[Preparer's Signature]**

**General Statement Regarding Overtime Pay in New York:**  
 Almost all employees in New York must be paid overtime wages of 1½ times their regular rate of pay for all hours worked over 40 per workweek. A very limited number of specific categories of employees are covered by overtime at a lower overtime rate or not at all.

I hereby acknowledge that I have been notified of my wage rate, overtime rate, and designated pay day on the date set forth below.

Date: \_\_\_\_\_  
\_\_\_\_\_  
**[Employee's Signature]**

*A duplicate signed copy of this form is to be provided to the employee. Original must be kept by the employer.*