

CLIENT ALERT

New York State Department of Labor Issues Forms Required When Giving Notice to New Employees Concerning Compensation

December 17, 2009

As previously reported in our October 27, 2009 Client Alert, New York Labor Law Section 195(1) was amended, as of October 26, 2009, to require employers in the State of New York to provide newly hired employees, upon their date of hire, with written notification of their regular rate of pay, overtime rate of pay (if applicable) and regular pay dates. Employers are further required to obtain from each employee a written acknowledgement of their receipt of such notice.

On October 28, 2009, the New York State Department of Labor (the "NYDOL") released an official form that employers may use when providing written notices to new employees concerning compensation. Regardless of whether employers use the NYDOL form, some form of notice must be provided to employees at the time of hire prior to performing any work.

The NYDOL 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 NYDOL will publish guidelines to assist employers in complying with the new requirements. The NYDOL has already published guidelines for temporary employment agencies on its website, along with a notice and acknowledgment form to accommodate pay rates that vary for temporary assignments.

If you have any questions concerning compliance with this new law, please contact the professionals listed below or your regular Crowell & Moring contact.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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