

## New York Department of Labor Publishes Pay Date and Pay Rate Notice and Acknowledgement Form

As noted in our Alert of October 13, 2009, New York Labor Law § 195 was recently amended and as of October 26, 2009 requires employers to provide all newly hired employees with written notice of their regular pay day and rate of pay. For non-exempt, overtime-eligible employees, the notice must include their overtime, as well as their regular, rate of pay. Employers must also obtain written acknowledgment from each new hire of the receipt of this notice. The law also provides that the content and/or form of the acknowledgment must conform to any such requirements as established by the Commissioner.

On October 28, 2009, the New York Department of Labor ("NYDOL") published a Notice and Acknowledgement of Wage Rate and Designated Payday form. The form, available at [http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/LS\\_52\\_Hourly\\_Rate\\_Plus\\_Overtime.pdf](http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/LS_52_Hourly_Rate_Plus_Overtime.pdf), appears to be geared toward newly hired, hourly, non-exempt employees, and we heard informally that the NYDOL is currently in the process of preparing forms for other categories of employees. The NYDOL has also published fact sheets for both employers and employees, which are available at [http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/P705\\_E.pdf](http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/P705_E.pdf). *The fact sheet for employers states that the required notice must be given on the official NYDOL form, and there has been conflicting informal advice from the NYDOL as to whether employers may substitute their own form covering all the required information. We will provide you with additional information as the NYDOL releases further guidance and forms.* ♦

---

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](mailto:info@pbwt.com), or sign up on our website, [www.pbwt.com/resources/publications](http://www.pbwt.com/resources/publications). To unsubscribe, please send an email to [info@pbwt.com](mailto:info@pbwt.com) with the subject: **unsubscribe**.

---

## Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 [www.pbwt.com](http://www.pbwt.com)

This publication may constitute attorney advertising in some jurisdictions. ©2009 Patterson Belknap Webb & Tyler LLP 11/09 #0452