



New York Labor Commissioner Issues Notice and Acknowledgement Form for Wage Information

Since October 26, 2009, New York employers have been required to provide written notice of certain wage information to newly hired employees, and obtain a signed acknowledgement of receipt from each new hire. The New York Labor Commissioner has now provided guidance and a standard notice and acknowledgement form.

Background

Section 195.1 of the New York Labor Law now requires employers to give new employees written notice of their rate of pay and regular pay day at the time of hire, and to obtain each employee's written acknowledgement of receipt. (See our October 21, 2009 [For Your Information](#).) For all employees who are eligible for overtime compensation, the notice must include the regular hourly rate and overtime rate of pay.

Guidance on the New Notice Requirements

The New York State Department of Labor (NYSDOL) has now issued [fact sheets](#) for employers and employees along with a [notice and acknowledgement form](#). The NYSDOL confirms on its [website](#) that the required notice of wage rate and designated pay day must be provided on this form, and must be given to new hires before they do any work. The employer representative preparing the form must certify its accuracy, with knowingly false statements punishable as a misdemeanor.

The employer must have each new employee sign a statement that confirms he or she has received the written notice. Importantly, the original signed acknowledgement must be retained by the employer for six years.

BUCK COMMENT. *Although this notice and acknowledgement form appears to have been created for nonexempt hourly employees, separate forms for exempt and other employee categories are not yet available. For now, most employers should use the same form for all categories. The NYSDOL previously issued a separate [form](#) and [guidelines](#) applicable only to temporary employment agencies.*

Conclusion

New York's new notice requirements are now in effect. To ensure compliance, New York employers should promptly review their new hire process, make any necessary adjustments, and immediately begin using the standard NYSDOL notice and acknowledgement form to communicate pay rates and regular pay days to employees before they begin work.

Buck's consultants are available to assist you in this process.

This FYI is intended to provide general information. It does not offer legal advice or purport to treat all the issues surrounding any one topic.