

New York Employers: Plan for Annual Wage Notices

New York's Wage Theft Prevention Act requires employers to provide wage notices to new employees at the time of hire and to existing employees by February 1 of each year. In June, the New York State Legislature passed a bill eliminating the annual notice requirement that has not yet been signed into law. Employers should monitor further developments but plan on preparing notices for New York employees in 2015 to satisfy their compliance obligations.

Background

New York's Wage Theft Prevention Act (WTPA), which took effect in April 2011, amended the state labor laws to protect employees against wage nonpayment. (See our [November 18, 2011 For Your Information.](#)) Since 2012, New York Labor Law [Section 195](#) has required employers to provide to every employee who works in the state written notice that identifies his or her regular pay rates, pay days, and certain other information. Employers are required to provide a pay notice at the time of hire, prior to a change in pay or wage information, and annually to both exempt and nonexempt employees on or before February 1, regardless of whether any of their pay information has changed.

Proposed Repeal of the Annual Wage Notice

On June 19, the New York legislature passed a [bill](#) that would have amended the WTPA in several important ways, including the repeal of the annual wage notice requirement, increased penalties for noncompliance with state wage payment laws, and expanded successor and personal liability for wage payment violations. The bill would have reduced the existing administrative burden on employers by eliminating the annual notice requirement. By its terms, the bill would take effect 60 days after becoming law. (See our [July 22, 2014 For Your Information.](#))

Although Governor Andrew Cuomo was expected to sign the bill into law, it was not delivered to him until December 17. Even if the governor were to sign the bill immediately, its provisions would not become effective until mid-February 2015 — weeks after the February 1 annual notice deadline. Thus, barring further developments, it appears that the annual notice obligation will still apply this coming January.



In Closing

Even if the legislation is promptly enacted, employers cannot count on relief from the requirement to provide annual wage notices between January 1, 2015 and February 1, 2015. At this juncture, it appears that employers will still be required to prepare and distribute the annual notices next month — as they have done for the past three years — to all employees who work in New York state.

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