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AUGUST 2009

LABOR & EMPLOYMENT DEPARTMENT

ALERT

NY EMPLOYERS MUST SOON PROVIDE WRITTEN PAY NOTICE TO EMPLOYEES

Effective October 26, 2009, New York employers will be required to provide written notice to all employees upon hiring of their rate of pay and their overtime rate (if applicable). These new requirements apply to employees hired on or after that date.

Pursuant to a law signed by New York Governor David Paterson on July 28, 2009, New York Labor Law § 195(1) will now require employers to provide written notification to employees, at the time of hiring, of:

1. The employee's rate of pay
2. The regular pay day as designated by the employer
3. Both the regular hourly rate and overtime rate of pay for non-exempt employees eligible to receive overtime pay

The employer must also receive a written acknowledgement from each employee upon the employee's receipt of this notice.

Although the written notice requirement does not go into effect until October 26, 2009, employers should begin preparing for these new requirements as soon as possible. Please note that these amendments to § 195 are in addition to current statutory requirements, which include written notification to all employees within five days of the date of termination of the exact date of termination and the exact date of cancellation of any employee benefits.

If you have any questions about this new law or the compliance requirements with this new law, please contact Carolyn D. Richmond at 212.878.7983 or crichmond@foxrothschild.com or any other member of Fox Rothschild's New York Labor and Employment Law Department.



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