



EMPLOYMENT LAW ALERT

December 2010

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Substantial Changes Made to New York Labor Law

By: **Jeffrey M. Schlossberg**



On December 13, 2010, the New York legislature amended the Labor Law to now impose significant new requirements on employers and considerably increase penalties for non-compliance.

Notice Requirements - As described in our [October 2009 Employment Alert](#), employers were previously required to notify new hires of their pay date, rate of pay, and overtime rate. Now, the law requires employers to issue the notice upon hire *and* by February 1 of every subsequent year. In addition, the information that must be provided has expanded to include, for example, the employer's name, any other name under which it is doing business, the address of the employer's principal office and other relevant information. The notice must be signed each time it is received and offered in the employee's primary language if that language is not English. The law also requires the Labor Commissioner to issue the relevant forms for employer use (once the forms are made public, we will provide you with a link.)

Pay Stub Information - Information previously required by regulation to be provided on an employee's pay stub is now required by a statute carrying penalties for non-compliance. The information includes dates of work covered, employer address and telephone number, rate of pay and manner paid (hourly, salary, commission), gross wages, net wages, deductions, overtime rate, and number of regular and overtime hours.

Severe penalties can be imposed for failure to abide by the notice and pay stub requirements - \$50 per workweek for each week the employer does not provide notice, up to \$2,500 per employee, plus attorneys' fees.

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Penalties for Other Violations - The amended law also provides for substantially increased penalties for all wage and hour violations. Previously, an employee could recover 25% on top of the monies actually owed. Now, the penalty will be 100% of the unpaid wages due. Penalties for retaliatory actions taken by employers against employees who complain in good faith include reinstatement, back pay, front pay, and additional damages up to \$10,000. For those circumstances in which employers have engaged in "willful or egregious" behavior, penalties can result in triple damages - double the wages due plus the 100% penalty.

The law takes effect April 12, 2011.

All in all, the changes significantly raise the stakes for violations of New York's wage and hour law. Employers should take the time between now and April to be sure they are in compliance with notice and pay stub requirements as well as other common problem areas such as overtime payments and exempt vs. non-exempt classifications.

If we can be of assistance on this or any employment law issue, please do not hesitate to contact us.



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