

# LEGAL UPDATE

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By: Joshua Zuckerberg and Richard M. Betheil

## NEW WAGE RATE NOTICE REQUIREMENTS AFFECTING ALL NEW YORK EMPLOYERS

Effective October 26, 2009, New York employers are required to provide written notification to all new hires of their hourly rate, overtime rate (if applicable), and payday. Employers must receive a written acknowledgment from each new hire of said notification. The Department of Labor has now issued a mandatory form that must be used by all New York State employers in order to comply with the notice requirement, as well as an explanatory notice. Although it is not required that an employer post the explanatory notice, it does provide useful information. The Department of Labor is taking the position that an employer must use the form provided below, and that employer-created letters containing the required information are not sufficient, even if such documents contain all required information.

Below are links to the forms and explanatory guidance:

- [Guidelines for Temporary Help Firms](#) (updated 10/23/2009)
- [Form - Notice and Acknowledgement of Wage Rate\(s\) / Temporary Help Firms](#) (updated 10/23/2009)
- Fact Sheet - [Notice of Pay Rate and Payday for New Hires - P705E](#)

- Form - [Notice & Acknowledgement of Wage Rate and Designated Payday - LS 52](#)

Please contact partners Joshua Zuckerberg or Richard M. Betheil, of our Labor and Employment Department, for assistance in complying with this new law.

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*The foregoing is intended to summarize the recent changes in New York labor laws and does not constitute legal advice. Please contact the Pryor Cashman attorney with whom you work with any questions you may have. If you would like to learn more about this topic or how Pryor Cashman LLP can serve your legal needs, please contact Joshua Zuckerberg at (212) 326-0885 or Richard Betheil at (212) 326-0154.*

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## ABOUT THE AUTHORS



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Joshua Zuckerberg has been with Pryor Cashman since 2000 and became a partner in January 2007. His practice covers the entire spectrum of labor and employment issues. He has extensive experience representing and counseling employers on all matters affecting the workplace, including discrimination, harassment, and disability claims, restrictive covenants, wage and hour issues, and termination and severance practices.

In addition, Mr. Zuckerberg represents employee associations whose membership includes physicians, professors, stage directors and fire officers. Mr. Zuckerberg has developed considerable expertise in arbitration, mediation, collective bargaining, and federal and state litigation.

Recently, Mr. Zuckerberg has:

- Represented high level executives in various termination and severance negotiations
- Prosecuted and defended collective action wage and hour cases in the restaurant industry
- Initiated and settled a sexual harassment litigation against a Fortune 500 Bank
- Defended a real estate company and its executive in a quid pro quo sexual harassment claim

Mr. Zuckerberg is a 1997 graduate of Brooklyn Law School, where he was a member of the Brooklyn Journal of International Law and the Moot Court Honors Society. He was awarded an Edward V. Sparer Public Interest Law Fellowship.



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Richard M. Bethel joined Pryor Cashman in 1985 and has been a partner at the firm since 1989. His major practice area is labor and employment law and litigation. Richard has regularly appeared before the National Labor Relations Board (NLRB), the Equal Employment Opportunity Commission (EEOC) and other administrative agencies, and in the federal and state courts on both the trial and appellate levels. A substantial part of Richard's practice is representing clients in collective bargaining and counseling clients on the full range of labor and employment matters. In recent years, representation of not-for-profit corporations, and in particular cemeteries, has been an increasing part of Richard's practice. In connection with that practice, he is a director of five cemetery corporations.

Richard is a 1980 graduate of New York University School of Law where he was Order of the Coif and an Arthur Garfield Hays Fellow. Richard won the Benjamin F. Butler Memorial Prize, the John Norton Pomeroy Prize and the American Jurisprudence Award in Labor Law.

Richard received his M.A. in Economics in 1977 from the New School for Social Research, where he was a Herbert Lehman Fellow. In 1973, Richard graduated from Oberlin College, where he was Phi Beta Kappa and a Senior Scholar. Richard spent a year at the London School of Economics as part of his undergraduate education.