

EMPLOYMENT LAW ALERT

August 2009

Ruskin Moscou Faltischek's Employment Law Capabilities

- Sexual Harassment Prevention
- Discrimination Avoidance
- Restrictive Covenants (non-compete, non-solicitation) and Unfair Competition
- Protection of Trade Secrets, Proprietary Information and Business Opportunities
- Employment At Will, Breach of Contract and Termination for Cause
- Employee Policy Manuals
- Family and Medical Leave
- Wage and Hour Requirements
- Employee vs. Independent Contractor
- Executive Employment Agreements and Severance Packages
- Comprehensive Litigation Services

For further information, please contact our Employment Law Group members:

Jeffrey M. Schlossberg
Chair
(516) 663-6554
jshlossberg@rmfpc.com

Douglas J. Good
(516) 663-6630
dgood@rmfpc.com

Joseph R. Harbeson
(516) 663-6545
jharbeson@rmfpc.com

Kimberly Malerba
(516) 663-6679
kmalerba@rmfpc.com

Legislative Update: Significant Changes in New York Employment Law

By: **Jeffrey M. Schlossberg**



In the past month, several significant laws have been passed in New York that impact employers. The most noteworthy involve the requirement to obtain written notice and acknowledgment from employees regarding their wages, the addition of a new protected classification to the New York Human Rights Law, and the extension of COBRA benefits.

Written Notice of Pay Rates Required

Employers will now be required to provide employees with written notice at the time of hire regarding their rate of pay and the official pay day designated by the employer. This information previously was required to be provided, but not in writing. In addition, the law now requires employers to obtain a written acknowledgement of such notice.

Further, for all employees who are eligible for overtime, the notice must provide the regular hourly rate and the overtime rate of pay.

The law was enacted to permit workers to determine whether their paychecks properly reflect the hourly wage rates their employers agreed to at the time of hiring, including the proper overtime rate.

Although this legislation will impose a greater burden on employers, it may prove helpful should a dispute arise in the future over the rates applied.

The law goes into effect October 26, 2009. Now would be an appropriate time for employers to review all aspects of their timekeeping procedures and their determinations regarding who is and is not paid overtime.

Domestic Violence Victims Protected

Effective July 7, 2009, the New York State Human Rights Law was amended to add victims of domestic violence to the list of protected classes. The Human Rights Law prohibits employment discrimination in hiring, firing and terms of employment.

According to the legislative memorandum accompanying the bill, the purpose of the amendment is to protect victims of domestic violence or stalking from discrimination so they may have the ability to deal with the circumstances, achieve financial independence from their abuser, and participate more fully in the economy.

In light of this new provision, employers should amend their handbooks and policies regarding workplace harassment and update training programs to include references to domestic violence.

COBRA Benefits Extended

Under an amendment to the New York Insurance Law, employees who have otherwise exhausted federal continuation benefits under COBRA may maintain coverage for up to 36 months, if the employee would otherwise have been entitled to less than 36 months. The law took effect on July 1, 2009 and applies to all contracts issued, renewed, modified, altered or amended on or after that date.

COBRA allows workers to continue group health insurance coverage for 18 months. However, COBRA applies only to employers with 20 or more employees. To address this gap, New York enacted a "Mini-COBRA" law requiring all employers to offer 18 months of continuation coverage.

The new law allows employees, regardless of the size of the employer, to extend health insurance continuation from 18 to 36 months.

Employers are reminded that the cost for the continuation coverage is borne by the employee and that employers are permitted to charge a 2% administrative fee.

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



East Tower, 15th Floor
1425 RXR Plaza, Uniondale, NY 11556-1425
516.663.6600
www.rmfp.com

Attorney Advertising

Employment Law Alert is a publication for distribution without charge to our clients and friends. It is not intended to provide legal advice, which can be given only after consideration of the facts of a specific situation.

Forward email

✉ **SafeUnsubscribe®**

This email was sent to jschlossberg@rmfpc.com by jschlossberg@rmfpc.com.

[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Email Marketing by



Ruskin Moscou Faltischek, PC | 1425 RXR Plaza | East Tower 15th Floor | Uniondale | NY | 11556