

## ALERTS AND UPDATES

### New York Requires Employer-Written Notifications and Additional Recordkeeping for New Hires

November 10, 2009

A recent amendment to Section 195 of the New York Labor Law requires an employer to give written notice to a newly hired employee of the employee's rate of pay and regular payday designated by the employer. The amendment further requires an employer to give each newly hired employee that is eligible for overtime pay by law or regulation written notice of such employee's overtime wage rate. This new law applies to all new employees hired on or after October 26, 2009.

Additionally, an employer is required at the time of hiring to obtain from a new employee a written acknowledgement of the employee's receipt of the required written notice. To meet the statute's requirements, the New York State Department of Labor issued the following form: [Notice and Acknowledgement of Wage Rate and Designated Payday \(form LS 52\)](#). The Department of Labor also published an explanatory fact sheet titled [Notice of Pay Rate and Payday for New Hires](#).

Prior to the amendment, employers were required to give new employees notice of their rate of pay and regular payday. However, there was no requirement that the notice be in writing or acknowledged, or that the employer give notice of the overtime rate. Section 195, as amended, now imposes the recordkeeping requirement that the notice and confirmation of its receipt be in writing, as well as the notice of the overtime wage rate.

#### *What This Means for Employers*

Employers should immediately update their hire letters to include this required compensation information and require that the DOL form be provided to and signed by the employee upon the commencement of the working relationship. As with other payroll-related records, the signed form must be kept by the employer for six years.

#### *For Further Information*

If you have any questions about this *Alert*, please contact any of the [attorneys](#) in our [Employment, Labor, Benefits and Immigration Practice Group](#) or the attorney in the firm with whom you are regularly in contact.