

## Alerts and Updates

# Deadline Approaching: New York Employers Have Until February 1, 2012, to Provide All Employees with Annual Wage Notice

January 24, 2012

As we reported in a [Duane Morris Alert](#) last March, all New York employers are required to provide all employees by February 1, 2012, a written notice containing specific information about the employee's wages. The required information must be provided at the time of hire, annually between January 1 and February 1 of each year, and within seven days of any change not listed on the employee's pay stub. The New York Department of Labor (NYDOL) takes the position that for any reduction in wage rate, the employer is required to notify the employee in writing prior to implementation of the reduction.

The notice must include:

1. The employee's rate of pay, including overtime rate (if applicable)
2. How the employee is paid (*i.e.*, by the hour, shift, day, week, etc.)
3. Official name of the employer and any other names used for business (DBA)
4. Address and phone number of the employer's main office or principal location and mailing address (if different)
5. Allowances taken as part of the minimum wage

Employers must provide the notice and acknowledgment in English and, if applicable, also in the language identified by an employee as his or her primary language (if the NYDOL provides a template in the employee's primary language). The NYDOL's website provides templates for the notice in English, Spanish, Chinese, Korean, Creole, Polish and Russian, available at <http://www.labor.ny.gov/formsdocs/wp/ellsformsandpublications.shtm>. If no template is available in the employee's primary language, the employer may provide the notice in English only. Employers are required to obtain a signed and dated written acknowledgement from the employee confirming receipt, which must be maintained by the employer for six years, and provide a copy to the employee.

The New York State Wage Theft Prevention Act also requires employers to provide employees every pay period a wage statement that includes the information set forth above and also the:

1. Name of the employee
2. Dates of work covered by that payment of wages

### **What This Means for Employers**

Employers that do not provide required notices or wage statements may be liable for respective damages of \$50 per week and \$100 per week per employee, up to \$2,500 for each, together with costs and attorneys' fees, subject to certain affirmative defenses.

### **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.

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