

An HR Alert!

April 2011

New York Wage Theft Prevention Act

Since October 26, 2009, New York employers have been required under Section 195 of NY's Labor Law to provide certain information to new hires on their first date of employment and before the employee begins any work, on what is commonly referred to as a 'new hire form'. **Effective April 9, 2011**, employers are required to update the new hire form to conform to the New York Wage Theft Prevention Act. The Act also requires employers to revise the wage statements provided with every paycheck.

Introducing an Even Newer "New Hire Form"

The updated 'new hire form,' formally known as a "Notice and Acknowledgment of Pay Rate and Payday" form, must be given to all new hires on their first date of employment before the employee begins any work. In addition, this "Notice and Acknowledgment of Pay Rate and Payday" form must be given to each employee annually, on or before February 1st of each year, starting February 1, 2012. It is important to note that this form must be given to the employee in English as well as in the language identified by each employee as his/her primary language. The employee must acknowledge receipt of this form in writing, preferably using the DOL form to ensure full compliance. However, if the DOL has not provided a model notice in the language identified by the employee, an employer may provide the form in English only.

Model Notices

There are currently six (6) separate model notices for the "Notice and Acknowledgment of Pay Rate and Payday" form (LS-54 through LS-59). The link to the DOL FAQ and all notice templates and guidance is:

<http://www.labor.ny.gov/workerprotection/laborstandards/workprot/lshmpg.shtm>

Wage Statement

Each time wages are paid, employers are also obligated to provide certain financial data to each employee with every payment of wages, which includes the items below:

- *Name of employee*
- *Name of employer*
- *Address of employer*
- *Telephone number of employer*
- *Rate/rates of pay and basis thereof*
- *Whether paid hourly, by shift, daily, weekly, salary, piece, commission or other*
- *Dates of work covered by payment of wages*
- *Deductions*
- *Gross Wages*
- *Allowances claimed as part of the minimum wage (meals, tips, etc.)*
- *Net wages of employee*
- *If the employee is not exempt from overtime, then include the regular hourly rate and overtime rate of pay, plus the number of regular hours worked and number of overtime hours worked*
- *If the employee is paid a piece rate, then include the applicable piece rate/rates of pay and the number of pieces completed at each piece rate*
- *Upon request from an employee, an explanation of how the wages were computed*

Termination Letter

Within 5 working days of termination of employment, employers are required to notify the employee of the exact date of termination of employment and the exact date of cancellation of employee benefits.

It is important to acknowledge that the penalties for non compliance with any of these provisions are SEVERE.

If you need assistance or more information, PMP is here to help. Contact one of our HR Consultants at (516) 921-3400 or visit our website at www.pmphr.com.

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