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**MEMORANDUM**

**TO:** Our Valued Clients

**DATE:** October 6, 2009

**SUBJECT:** New York Labor Law — Amendment to Notice and Record Keeping Requirements

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We are writing to inform you that due to a recent amendment to the New York Labor Law, employers in New York State will be required to provide employees hired on or after October 26, 2009 with written notice of their regular rate of pay, their overtime rate of pay (if the employee is eligible for overtime), and the employer's regular pay days. This notice can be accomplished through written offer letters or employment agreements, or by a separate notice containing this information. Each new employee must provide a written acknowledgment of receipt of this notice. The form of such acknowledgment must conform to any standards set by the Commissioner of Labor.

Previously, this information was not required to be given in writing, and no acknowledgment was required. The purpose of the change is to "allow 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."

Employers should keep in mind that in addition to the information described above, Section 195 of the Labor Law requires employers to:

- notify employees of any change in paydays prior to the change;
- provide each employee, with every payment of wages, a statement listing gross wages, deductions and net wages, and, at the employee's request, an explanation how the employee's wages were computed;
- establish, maintain and preserve records showing the hours worked, gross wages, deductions, and net wages for each employee, for not less than three years;
- notify employees in writing of, or publicly post, the employer's policy on sick leave, vacation, personal leave, holidays and hours; and
- notify in writing any employee terminated from employment of the exact date of termination, as well as the exact date of cancellation of employee benefits connected with the termination, within five working days after the date of termination. Failure to give notice of such cancellation subjects an employer to penalties, including a fine of up to \$5,000, as well as potential liability to the employee including reimbursement for medical expenses that were not covered by the insurer because of the failure to give notice.

Please contact us if you have any questions regarding this amendment. We will be happy to be of assistance to you.