

Client Alert **Employment & Labor**

New York Wage Theft Prevention Act: February 1 Compliance Deadline for Current Employees

Effective April 9, 2011, the New York Wage Theft Prevention Act (WTPA) expanded employer requirements to notify new hires and current employees of certain wage information and increased sanctions for non-compliance. Specifically, the WTPA requires all private employers to give new employees at the time of hire and to current employees on or before February 1 of each year, written notice of the following:

1. the employee's rate(s) of pay
2. the overtime rate of pay, if the employee is subject to overtime regulations
3. the basis of wage payment (per hour, per shift, per week, piece rate, commission, etc.)
4. any allowances the employer intends to claim as part of the minimum wage including tip, meal, and lodging allowances
5. the regular payday
6. the employer's name and any names under which the employer does business (DBA)
7. the physical address of the employer's main office or principal place of business and, if different, the employer's mailing address
8. the employer's telephone number

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The notice must appear in English, as well as in the employee's primary language. Employees must sign and date the completed notice. Employers must retain the signed notice for a minimum of six years and provide a copy to each employee. The New York State Department of Labor has published sample notices in several languages on its website.

For additional information regarding compliance with the WTPA, please feel free to contact one of the attorneys in our Employment and Labor Practice Group.

Jill Turner Lever, Esq.

Client Alert Author
Of Counsel, Employment and Labor Practice Group
jlever@sillscummis.com | (973) 643-5691

Galit Kierkut, Esq.

Client Alert Editor
Member, Employment and Labor Practice Group
gkierkut@sillscummis.com | (973) 643-5896