

Client Alert **Employment & Labor**

Reminder for New York Employers: February 1 Deadline for Wage Theft Prevention Act Annual Notices

The New York Wage Theft Prevention Act (“WTPA”) requires employers to provide **all New York employees with an annual notice** regarding their compensation and other terms of employment. The notice must be provided to all employees **between January 1 and February 1 of each year**, regardless of length of employment or whether compensation has changed. Accordingly, **all employees must receive a written WTPA notice on or before February 1.**

The notice must include the following information:

- Rate or rates of pay, including overtime rate of pay and basis thereof;
- How the employee is paid, for example, whether the employee is paid by the hour, shift, day, week, salary, piece, commission, or another measure;
- Allowances, if any, claimed as part of the minimum wage, including tip, meal, or lodging allowances;
- regular payday;
- name of the employer and any DBA names used by the employer;
- physical address of the employer’s main office or principal place of business and the mailing address if different; and
- telephone number of the employer.

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Although employers are permitted to use any form that includes this required information, the New York State Department of Labor (“NY DOL”) has published template notices on its website. Here are links to samples of two of the most common notices used by employers – a template notice for [exempt employees](#) and a template notice for [hourly employees](#). For exempt employees, employers should list compensation as a weekly or bi-weekly amount, rather than as an annual salary. Template forms for other types of compensation arrangements are available on the [NY DOL website](#).

The WTPA notice must be provided **both** in English and the employee’s primary language (if the NY DOL offers a translation). The NY DOL currently provides template notices in Spanish, Chinese, Haitian Creole, Korean, Polish and Russian on its website.

Employers **must obtain a signed acknowledgement** of receipt of the annual notice from each employee, including an affirmation by the employee that the employee accurately identified to the employer his/her primary language, and that the notice was in the language so identified. Employers **must provide employees with a signed copy**. Signed **acknowledgments must be retained for at least six years**.

In addition to annual notices, WTPA notices must be provided at the time of hire and to current employees in advance of a reduction in pay. A new notice is not required for pay increases if the new rate is shown on the wage statement accompanying the next payment of wages, except for employers in the hospitality industry who must provide new notice upon any compensation change.

If you have any questions regarding compliance with the New York Wage Theft Prevention Act, please contact either of the following Sills Cummis & Gross attorneys.

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