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Labor Rules Reminder

New York Wage/Benefit Notification Requirements

For any employee hired by your business since October 26, 2009, you must provide written notice advising the employee of:

- ◆ Their rate of pay and the regular pay day designated by the employer; and
- ◆ For all employees eligible for overtime compensation, the employee's regular hourly rate and overtime rate of pay.

Employers must also obtain a written acknowledgement from employees confirming receipt of this written notice. The Department of Labor has made a form available to be used by employers. If employers choose not to use the Department of Labor form, they may create their own form that includes the required information. A link to the form of written acknowledgement issued by the Department of Labor is below:

http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/LS_52_Hourly_Rate_Plus_Overtime.pdf

NY State Law also requires employers to:

- ◆ Notify employees of any changes in their pay days prior to the date of the changes;
- ◆ Furnish each employee with a statement with every payment of wages, listing gross wages, deductions and net wages;
- ◆ Establish, maintain and preserve for not less than three years, payroll records showing the hours worked, gross wages, deductions and net wages for each employee;
- ◆ Notify employees of the employer's policy on sick leave, vacation, personal leave, holidays and hours either in writing or by public posting; and
- ◆ Notify any employee terminated from employment, in writing within 5 days of termination, of the exact date of termination, as well as the exact date of cancellation of employee benefits connected with the termination. Failure to notify an employee of cancellation of accident or health insurance subjects an employer to penalties, including a fine of up to \$5,000 paid to the Commissioner of the New York State Department of Labor, as well as potential liability in a civil action brought by the employee in which damages may include reimbursement for medical expenses that were not covered by the insurer because the employee did not receive appropriate notice.
- ◆ Provide employees in committed same-sex relationships with the same funeral or bereavement leave that they provide to married employees. The law prohibits employers who provide such leave for the death of an employee's spouse, or the spouse's child, parent, or other

relative, from denying leave for the death of an employee's same-sex committed partner, or the child, parent, or other relative of the committed partner. The statute defines "same-sex committed partner" as "those who are financially and emotionally interdependent in a manner commonly presumed of spouses."

To ensure compliance with the written notice requirements, employers should:

- ◆ Review material given to new hires and, if necessary, prepare a standard written form that advises new hires of their pay rate, overtime rate, and pay date, and include a section for a signed acknowledgement by the employee, to be maintained in the employer's records.

- ◆ As applicable, add these provisions and an acknowledgment form to offer letters and employment agreements.

- ◆ Require new hires to sign and return the written notice in a timely manner.

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