

## NY Employers: Are You Ready for February 1 Deadline?

As noted in prior Moses & Singer Client Alerts, the New York Wage Theft Prevention Act requires all employers doing business in New York to give their employees certain information about their wages in writing on or before February 1, 2012. *Failure to comply with the notice requirement can lead to a civil penalty of up to \$2,500 per employee, plus costs and attorney's fees.* (See Client Alerts from [May 2011](#) and [October 2011](#) and Moses & Singer New York Wage and Hour [CLE Program Resource Guide \[Table of Contents attached\]](#) of December 16, 2011.)

Employers may use the notice and acknowledgement forms (*i.e.*, "wage templates") prepared by the New York State Department of Labor ("NYSDOL"). The forms are [attached](#) – they are in English and in foreign languages for employees whose primary language is not English: Chinese; Haitian Creole; Korean; Polish; Russian; and Spanish.

### Language of Wage Template

Employers can provide wage templates in English to employees whose primary language is not English if NYSDOL has not prepared a form in their primary language. Moses & Singer has prepared and continues to make available as a courtesy to our clients wage templates in certain foreign languages not covered by the NYSDOL, and we recommend use of those wage templates where applicable.

### Contents of Wage Template

The notice and acknowledgment form must contain the following information:

1. the name of the employer; any "doing business as" names used by the employer; the physical address of the employer's main office or principal place of business, and mailing address if different; and the telephone number of the employer;
2. the employee's rate(s) of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission or other;
3. allowances, if any, claimed as part of the minimum wage, including tip, meal or lodging allowances;
4. the regular payday designated by the employer;
5. the frequency of payments;
6. the overtime rate of pay where applicable;
7. the printed name of the employee;
8. the name and title of the individual who completed the form on behalf of the employer; and
9. the date of notification.

### Timing of Notice

This wage template is to be completed and distributed to employees (whether exempt or non-exempt; part-time or full-time): (1) on the employee's date of hire or within ten days thereafter; (2) at least seven days before any changes in the terms of the notice; AND (3) on or before February 1st of each subsequent year of the employee's employment.

### Employee Acknowledgement of Notice

All employees are required to sign the acknowledgement section of the wage template and return the completed form to the employer. The employer must then provide the employee with a copy and the employer must retain the original for six years.

Remember: Failure to comply with the notice requirement can lead to a civil penalty of up to \$2,500 per employee, plus costs and attorney's fees.

If you have any questions regarding this Client Alert, please contact [David B. Feldman](mailto:dfeldman@mosessinger.com) at 212.554.7635 or [dfeldman@mosessinger.com](mailto:dfeldman@mosessinger.com).

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