

December 17, 2014

**New York Annual Wage Notice Requirement
Remains Effective for 2015**

Readers of past Client Advisories may recall that the New York legislature passed amendments to the Wage Theft Prevention Act (the "Wage Theft Law") in 2014 that would remove the requirement that employees receive certain information about their wages each year between January 1 and February 1. To date, Governor Cuomo has not signed those amendments into law. Because the amendments do not take effect until 60 days after the Governor's signature, employers should be prepared to distribute the required notices to employees between January 1 and February 1 of 2015. As before, employers must notify employees in writing of:

1. The employee's rate or rates of pay, including their overtime rate of pay (if applicable);
2. How the employee is paid (by the hour, shift, week, etc.);
3. The employee's regular payday;
4. Any allowances taken as part of the minimum wage (tip, meal and lodging deductions);
5. The official name of the employer and any other names used for business; and
6. The address and phone number of the employer's main office or principal location.

Notice must be given in English and the employee's primary language, if the New York Department of Labor offers a template notice in that language. Employees must also sign, date, and receive a copy of their notice; the original, signed notice should be retained by the employer.

*747 Third Avenue
New York, N. Y. 10017
Tel: 212-758-7600
www.cfk-law.com*

If Governor Cuomo signs the amendments to the Wage Theft Law, employers will still be required to provide employees with written notice of their pay rate upon hire or before any decrease in the employee's rate of pay. (Employers in the hospitality industry must give employees written notice before pay increases as well). Other changes to the above-listed information, such as allowances taken as part of the minimum wage or the employer's phone number, must either be reflected on the employee's paystub or communicated to the employee a week before the effective date of the change.

Employers who fail to give their employees timely notice under the Wage Theft Law may be liable for damages of up to \$2,500 per worker, depending on the length of the delay. The proposed amendments increase potential damages to \$5,000 per employee. Template notices are available in multiple languages on the New York Department of Labor's [website](#).

If you have any questions regarding the Wage Theft Law, the pending amendments, or any other wage and hour concerns, please contact Nick Bauer at (212) 758-7793, or any other attorney at the firm. A previous Client Advisory more fully details the pending amendments to the Wage Theft Prevention Act, and is available [on the Firm's website](#).

This Advisory is intended for informational purposes only and should not be considered legal advice. If you have any questions about anything contained in this Advisory, please contact Collazo Florentino & Keil LLP. All rights reserved. Attorney Advertising.