

Are New York's New Wage Notification Requirements Already On the Way Out?

by Ramon Rivera on February 22, 2012

As New York businesses should be aware, a new law recently took effect that requires employers to give written notice of wage rates to all employees by February 1 of each year. The Wage Theft Prevention Act also imposes stiff penalties on employers who do not comply.

While the law is intended to protect low-wage workers from unscrupulous employers who may attempt to pilfer their pay, many have argued that it overly burdens the bulk of New York businesses that treat their employees fairly.

Thankfully, it appears that efforts are already underway to repeal the yearly deadline. According to the Post-Standard, Assemblyman Dennis Gabryszak, D-Cheektowaga, and Sen. John DeFrancisco, R-Syracuse are leading the charge to repeal the Feb. 1 wage notification requirement.

“It’s a truly needless requirement on business,” DeFrancisco said. “It’s just overkill.”

The effort also has the support of the Wage Theft Prevention Act’s most vocal supporter. Sen. Diane Savino, D-Staten Island, agrees that businesses that already routinely provide wage notification (i.e. via pay stubs) should not be required to go through the time and expense of yearly notifications. She is reportedly meeting with the State’s Labor Commissioner to see if the rule can be eliminated without passing another law.

While the law will likely be repealed, New York employers are still required to comply with it until that time. Therefore, if you have not yet provided written wage notices to all of your employees, it is imperative to do so as soon as possible, as this year’s deadline has already passed.

The notice must include:

- Rate or rates of pay, including overtime rate of pay (if it applies);
- How the employee is paid: by the hour, shift, day, week, commission, etc.;
- Regular payday;
- Official name of the employer and any other names used for business (DBA);
- Address and phone number of the employer’s main office or principal location; and
- Allowances taken as part of the minimum wage (tips, meal, and lodging deductions).

In addition, the notice must be given both in English *and* in the employee's primary language.

If you have questions about the Wage Theft Prevention Act or want to ensure that your business is in compliance, we encourage you to contact one of our experienced New York employment attorneys.