



New York DOL Now Permits Employers to Use Their Own Notice of Pay Rate and Payday for New Hires

A recent New York law requires employers to provide all newly hired employees written notice of their pay rate, overtime rate (if applicable), and regular payday. The New York State Department of Labor has recently reversed course on how employers are to provide this information.

Background

Effective October 26, 2009, New York required employers to give new employees written notice of their regular rate of pay, overtime rate (if applicable), and regular payday at the time of hire, and to obtain the employee's written acknowledgement of receipt. (See our October 21, 2009 [For Your Information](#).) The New York State Department of Labor (NYSDOL) previously released Form [LS 52](#) (Notice and Acknowledgement of Wage Rate and Designated Payday) and [announced](#) that it had to be used to provide the required notice. (See our November 10, 2009 [For Your Information](#).) The NYSDOL has now reversed this position.

New Guidance on Website

On its [website](#), the NYSDOL now states that no particular form is required to provide written notice to new hires and obtain their acknowledgement of receipt. Employers may create or use their own forms or adapt the NYSDOL form (now referred to as a "sample" form) for their own use. The NYSDOL indicates that it will post sample forms for various pay agreements, including salaried, prevailing rate and exempt employees, in the near future.

Conclusion

New York employers should revisit their onboarding practices to make certain that pay rates, applicable overtime rates and regular paydays are being effectively communicated to new hires. Since employers now have the option, they should consider whether to use or adapt the NYSDOL form, develop their own forms, or tailor their offer letters and employment agreements to ensure compliance with the new notice requirements.

Buck's consultants are available to assist you in this process.

This FYI is intended to provide general information. It does not offer legal advice or purport to treat all the issues surrounding any one topic.