



LABOR & EMPLOYMENT LAW ALERT

New York State Employers Relieved of Annual Wage Notice Requirement

New York State Governor Andrew Cuomo signed legislation on December 29, 2014 amending the New York Wage Theft Prevention Act of 2010 (Act) to eliminate the requirement that private sector employers issue a wage rate notice to each employee between January 1 and February 1 of each year, in English and in the employee's primary language, and eliminating the requirement that employers obtain a signed certification from the employee to be maintained on file for six years.

While the legislation was passed by both houses of the New York State Legislature on June 19, 2014, it was only recently delivered to the Governor for his final approval. The Governor had indicated an earlier willingness to sign the bill, which specified an effective date of 60 days after becoming law. Legislative leaders and the Governor have agreed to a chapter amendment making the changes effective immediately. Accordingly, the State Labor Department has confirmed that it will not require employers to issue annual wage statements in 2015. Private sector employers will still, however, be required to notify new employees of their pay rate at the time of hire. Furthermore, private employers should continue to maintain copies of all previously issued wage notices and employee acknowledgments, including annual notices issued between 2011 and 2014, for at least six years in accordance with the Act.

The amendments also increase the penalties for certain employer violations of the State wage payment laws.

Please do not hesitate to contact one of our Firm's employment law attorneys identified below if you would like guidance concerning compliance with the New York Wage Theft Prevention Act as amended.

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