



New York State Department of Labor
Division of Labor Standards

Guidelines for Notice and Acknowledgment of Wage Rate(s) for Temporary Help Firms

Section 195.1 of the Labor Law, effective October 26, 2009, states every employer must:

- notify employees in writing at time of hiring of the rate of pay and of the regular pay day designated by the employer;
- state in writing the regular hourly rate and overtime rate of pay for all employees eligible for overtime compensation according to minimum wage orders or other law or regulation;
- obtain a written acknowledgement from each employee of receipt of this notice. This acknowledgment must conform to any requirements set by the Commissioner concerning content and form.

Temporary help firms cannot supply this information at the time of hire because wages may vary by assignment. Therefore, the Department of Labor applies the following interpretations and guidelines of the notice requirements in Section 195.1 of the Labor Law for compliance by temporary help firms.

For these guidelines, the term “temporary help firm” has the meaning given in Labor Law Section 916.5: “a business which recruits and hires its own employees, and assigns those employees to perform work at or services for other organizations, to support or supplement the other organization’s workforce, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects.”

These guidelines apply only to “temporary help firms,” not to other employers in New York State. Also, these guidelines apply only to individuals hired by such temporary help firms, not to individuals hired by other employers for temporary work.

I. Time of Hire/Interview

At the time of the initial interview or hire, the temporary help firm must:

A. Notify the applicant-employee, in writing, of:

- the range of hourly wages he or she will likely earn based upon his/her qualifications and assignment suitability. The potential hourly wages may not be excessively broad and must be based on a good faith estimate of the typical wage earned by similarly qualified employees working at assignments similar to those for which the applicant-employee is eligible and likely to be assigned;
- the designated pay day, unless the designated pay day cannot be established at that time. If a fixed pay day cannot be established at the time of hire/interview, the applicant-employee must be informed that the pay day may vary depending upon the usual practice at the assignment; and
- the employee’s rights, in general, to overtime compensation as contained in the attached form.

- B. Provide the applicant-employee with the Department of Labor “Notice and Acknowledgement of Wage Rate(s) /Temporary Help Firms” form (LS 51), obtain the signature of the applicant-employee on the form, give the applicant-employee a copy of the signed form and keep the original signed form in the employer’s files.

II. Time of Specific Assignment

When a temporary help firm assigns an employee to perform work at or services for other organizations, the temporary help firm must notify the employee, either verbally or in writing, of:

- The specific designated pay day for the particular assignment;
- The actual hourly rate of pay for the assignment; and
- The overtime rate of pay he or she will receive; or, if applicable, inform the employee that the position is exempt from additional overtime compensation and the basis for the overtime exemption.

III. Statement with Each Paycheck

In addition to any other statements required by law, employees of temporary help firms must receive with each paycheck or paystub a statement listing the following:

- Number of hours worked, regular and overtime, for the wages in the paycheck; and
- Actual regular and overtime wage rates paid for the hours worked.

IV. Recordkeeping Requirements

Temporary help firms must establish, maintain and preserve for not less than six years the original signed copy of the form Notice and Acknowledgement of Wage Rate(s) /Temporary Help Firms (LS 51).

Compliance with these guidelines does not relieve temporary help firms of their obligations under any other sections of the Labor Law.

For additional assistance or information please contact the Division of Labor Standards office nearest you.

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