



New York State Department of Labor  
Division of Labor Standards

**Notice and Acknowledgement of Pay Rate and Payday  
Under Section 195.1 of the New York State Labor Law**

**Pay Notice for Employees Paid a Salary for Varying Hours, Day Rate, Piece Rate, Flat Rate or Other Non-Hourly Pay**

Employer	Employee
Company name: _____	Name: _____
FEIN (optional): _____	Street address (include apartment): _____
Street address: _____	_____
City and state: _____	_____
Zip code: _____	City: _____
Phone: ( _____ ) _____ - _____	State and zip code: _____
Preparer's name: _____	Phone: ( _____ ) _____ - _____
Preparer's title: _____	
Your rate of pay: _____ Specify whether pay is a salary for varying hours, day rate, piece rate, flat rate or another non-hourly basis	
Your overtime rate of pay will be 1½ times the total regular pay for the week divided by the total hours worked in the week.	
Designated pay day: _____	

**Note to Employers Regarding Weekly Pay Rates:** Except in very limited circumstances, it is illegal to pay a fixed weekly rate for varying work weeks over 40 hours. The NYS Department of Labor strongly discourages weekly rates for non-exempt employees because of the frequent overtime violations which result. Even with a standard work week, there are usually occasions when work hours vary. The Department recommends that employers pay an hourly rate to non-exempt employees whose standard workweek is over 40 hours.

\_\_\_\_\_ Date \_\_\_\_\_ Preparer's signature

**General Statement Regarding Overtime Pay in New York State**

Most employees in New York State must be paid overtime wages of 1 ½ times their regular rate of pay for all hours worked over 40 hours per workweek. A very limited number of specific categories of employees must be paid overtime at a lower rate or not at all.

I have been notified of my pay rate, overtime rate, and designated pay day on the date given below.

\_\_\_\_\_ Date \_\_\_\_\_ Employee's signature

**The employee must receive a duplicate signed copy of this form. The original must be kept by the employer.**