



New York State Wage Theft Prevention Act Notice Templates

As we informed you in our April 2011 newsletter, the New York Wage Theft Prevention Act (WTPA) was enacted December 2010 and became effective on April 9, 2011. As a reminder, among other new employer obligations and penalties, the WTPA requires that employers provide to all their employees written notice of their pay rate and pay dates, at the time of hire, on or before February 1 of each year, as well as every time there is a change in the employee's pay. Employers must obtain signed acknowledgement of receipt of this notice from each employee.

To assist New York employers with compliance, the NY Department of Labor has issued form notice templates that employers may use to satisfy the WTPA notice and acknowledgement requirements. For your convenience, we have posted web links for the template notices, broken down by several employee categories.

The disclosures must be provided in English and in the primary language identified by the employee, so long as the New York Department of Labor has provided a notice template in that language. Currently templates in Spanish, Chinese, and Korean are available on the NYDOL website, with plans to add Creole, Polish, and Russian versions soon.

We'd like to note a few more provisions of the act that all employers should be aware of.

- The WTPA applies to all private sector employers.
- If you have employees who work outside of New York State, they are not covered.
- The Act requires employers to notify employees in writing of any change to the information in any notice at least seven days prior to the change.
- The pay notice can be distributed electronically, but there must be a system in place where the employee can acknowledge the receipt of the notice as well as print out additional copies.
- New-hire notices must be provided to employees hired on or after April 9, 2011 before they perform any work.
- Annual notices must be provided to all employees between January 1 and February 1, beginning in 2012.
- Employers are required to keep copies of the notices and acknowledgments for six years and must be able to provide them upon request.
- If an employee refuses to acknowledge the notice, the NYDOL has instructed employers to still provide the notice and to note the employee's refusal to sign.



New York employers should review the below template notices and arrange to implement wage notices that are compliant with the WTPA. Employers who create their own wage notice forms, rather than use the standard DOL templates, may want to consult with counsel to ensure that their forms are compliant.

- [Pay Notice for Hourly Rate Employees](#)
- [Pay Notice for Multiple Hourly Rates](#)
- [Pay Notice for Employee Paid a Weekly Rate or Salary for a Fixed Number of Hours \(40 or fewer in a week\)](#)
- [Pay Notice for Employees Paid a Salary for Varying Hours, Day Rate, Piece Rate, Flat Rate or Other Non-Hourly Pay](#)
- [Pay Notice for Prevailing Rate and Other Jobs](#)
- [Pay Notice for Exempt Employees](#)



Clients who have any further questions or concerns about the information contained in this Advisory should not hesitate to contact us.

Joseph N. Campolo, Esq.
Managing Partner
631.738.9100 x 301
jcampolo@cmmlp.com

Arthur Yermash, Esq.
631.738.9100 x 304
ayermash@cmmlp.com

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M **CAMPOLO, MIDDLETON & MCCORMICK, LLP**

3340 Veterans Memorial Highway, Suite 400 | Phone 631.738.9100 | Fax 631.738.0659 | www.cmmlp.com