



New York Employers Must Issue Wage Theft Prevention Act Notice in January 2012

As we reported earlier this year in our advisory, [New York State Wage Theft Prevention Act Notice Templates](#), the Wage Theft Prevention Act (WTPA) annual notice requirement is effective as of January 1, 2012 and must be complied with by February 1, 2012. Thus, the implementation period is exceedingly short. If you employ individuals in New York State, or have affiliates and branches in New York which employ individuals, then you must comply with the current notification requirement of the WTPA.

The WTPA, which became effective in April 2011, provides increased obligations and enhanced penalties for employers relating to employee pay practices. The required written notice must include information regarding the employee's rate(s) of pay, including overtime rate of pay if applicable, the basis of wage payment (e.g. per hour, per shift, per week, piece rate, etc.), allowances to be claimed as part of the minimum wage if applicable (i.e., tip, meal, and lodging), how the employee's pay is calculated, the regular payday, the full name of

the employer and any "doing business as" names used by the employer, and the address and telephone number of the employer's main office or principal location.

The notices, which must be provided to both exempt and non-exempt employees, must be given in English and in the employee's primary language.

Employers must provide a copy of the notice to the employee, have each employee sign and date the notice, and maintain all notices and acknowledgements for six years. Employers who fail to provide the required notices may be liable for damages of up to \$50 per week, per employee.

While the law does not dictate the form of notice, the New York State Department of Labor (NYSDOL) has provided sample forms, which we have included in the links below.

CLIENT ADVISORY

2012



- [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.

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