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WAGE NOTIFICATION AND RECORD KEEPING REQUIREMENTS

EFFECTIVE JANUARY 2012

NY EMPLOYERS' PAPER WORK BURDEN INCREASES ONCE AGAIN

At this late date, most New York employers and their advisors are aware of the increased notice and record keeping requirements established by the New York Wage Theft Protection Act of 2010 (WTPA) which first became effective on April 9, 2011.

Employers and advisors should also be aware that an important component of the WTPA becomes effective in January 2012. Until this year, WTPA required employers to provide notice to each employee at the time of hiring. Starting in 2012, however, each employer must give a new notice to each employee between January 1st and February 1st annually. In summary, the notice must include:

- The rate of pay, both straight time and, if applicable, the overtime rate.
- The basis of pay (e.g., hourly, salary, shift, day, week, month, etc.).
- Any allowances claimed as part of minimum wage (e.g., tip allowance, meal allowance, lodging allowance, etc.).
- The employer's regular pay date.
- The employer's name, including any doing business names.
- The employer's physical address and, if different, the mailing address.
- The employer's telephone number.
- Any "other information" deemed "material and necessary" by the NYS Commissioner of Labor.

In the last year or so, you may have been bombarded with lengthy and detailed articles expounding on the WTPA's many requirements. While we are not sending you any such articles at this time, if you desire more detailed materials on the WTPA, please contact us and we will send you the information you require.

We are, however, sending you links to pages of the NYS Department of Labor website that we think you may find helpful to your compliance efforts. These are:

- WTPA Fact Sheet at:
<http://www.labor.ny.gov/formsdocs/wp/P715.pdf>
- WTPA Frequently Asked Questions at:
<http://www.labor.ny.gov/workerprotection/laborstandards/PDFs/wage-theft-prevention-act-faq.pdf>
- WTPA Notice Forms at:
<http://www.labor.ny.gov/formsdocs/wp/ellsformsandpublications.shtm>

If you have any questions about WTPA, or about the wage and hour laws generally, please contact Richard Waxman at:

rwaxman@waxmanlaw.com

If you have trouble reading this e-mail, we have attached a PDF copy in the banner.

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