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Guidelines for Written Notice of Rates of Pay and Regular Payday

Effective April 9, 2011 Section 195.1 of the Labor Law, requires all employers, other than government agencies, to give employees at the time of hire (before work is performed) notice of the following:

1. The employee's rate or rates of pay
2. The overtime rate of pay, if the employee is subject to overtime regulations
3. The basis of wage payment (per hour, per shift, per week, piece rate, commission, etc.)
4. Any allowances the employer intends to claim as part of the minimum wage including tip, meal, and lodging allowances
5. The regular payday
6. The employer's name and any names under which the employer does business (DBA)
7. The physical address of the employer's main office or principal place of business and, if different, the employer's mailing address
8. The employer's telephone number
9. **Effective 10/01/2020** - The benefit portion of the minimum rate of home care aide total compensation as defined in section thirty-six hundred fourteen-c of the Public Health Law ("home care aide benefits"), if applicable; prevailing wage supplements, if any, claimed as part of any prevailing wage or similar requirement.

Employers must provide the notice in English and the employee's primary language.

Employee Acknowledgement

The employer must have the employee sign a statement acknowledging receipt of the written notice in English and the employee's primary language. Employees must also acknowledge that they have properly identified their primary language to their employer. The employer must keep the signed and dated notice and acknowledgement for six years and provide a copy to the employee.

Notice and Acknowledgement Templates

The Department of Labor (DOL) has prepared templates for several common types of pay agreements, including dual language versions in Chinese, Haitian-Creole, Korean, Polish, Russian and Spanish. An employee acknowledgement of receipt section is included in the templates prepared by the Department. Templates are available on the Department's web site at www.labor.ny.gov and in hard copy.

If the Department of Labor does not make a template in a particular language available, employers may provide notice to that employee in English only.

Employers will not be penalized for errors in the prepared templates issued by DOL.

The Department reserves the right to require use of DOL forms in the future, if employer notices do not meet requirements.

See LS 53 Instructions: Templates for Notice of Pay Rates, Paydays and Employee Acknowledgement under Section 195.1 of the NYS Labor Law to find a template that may be appropriate for your particular pay agreement.

Overtime Rate

Most employees must receive overtime pay at 1½ times their regular rates of pay for all hours worked over 40 in a workweek. In a few occupations that are exempt from overtime under the federal Fair Labor Standards Act, New York State Labor Law requires the employees be paid at least 1½ times the minimum hourly rate for their overtime hours. A few occupations are exempt from the overtime pay provisions of both state and federal law. As of 1/1/2020 Agricultural employers must pay 1½ times the regular rate for all hours worked over 60 in a calendar week.

Day-of-Rest Overtime

Agricultural employers must pay 1½ times the regular rate of pay for all hours worked on the day-of rest. Employers of Domestic Workers must pay 1½ times the regular rate of pay for all hours worked on the day-of rest.

Exempt Employees

The notice to exempt employees may state the specific exemption that applies.

Payday

The regular payday must be at least weekly for manual workers, at least twice a month for clerical and other workers, and at least monthly for commissioned salespeople.

Other Notice Requirements

For the following types of employees there are additional notice provisions required by Labor Law and or Regulation. Please refer to the sections cited below for more information.

- Commissioned Sales Employees (191.1c)
- Farm Employees (190-6.1)
- Hospitality Industry Employees (146-2.2)
- Home Care Aides (195)
- Prevailing Wage Employees (195 & 220)

Temporary Help Firms

The Department has developed a notice form and separate guidelines for use by temporary help firms (LS 50). It is available at the Department's web site or in hard copy. The use of those guidelines and form is strictly limited to employers that meet the definition of the term "temporary help firms" in Section 916.5 of the Labor Law.

For more information or assistance, please contact the NYS Department of Labor, Division of Labor Standards office nearest you or visit our web site at www.labor.ny.gov.

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