

# Employers

## Notice of Pay Rate and Payday for New Hires A New Labor Law

**When hiring new workers, employers must give them written notice of their rate of pay and the regular payday. This notice must be given on an official form from the New York State Department of Labor.**

Written notice helps to avoid misunderstandings and pay disputes, and to resolve them if they occur.

The written notice is required to comply with Labor Law, Section 195.1

Employers can view guidelines and download the required form on our web site at [www.labor.ny.gov](http://www.labor.ny.gov).

### Pay Rate

Starting on October 26, 2009, New York State Labor Law requires employers to give newly hired employees a written notice of:

- Their rate of pay, including overtime rate of pay.
- Their regular payday.

You must give the employees this notice at the time of hiring, before they do any work.

### Overtime

**Written notice must state the overtime rate of pay, if it applies.**

If the employee is covered by an overtime provision of the labor law, the written notice also must include:

- The overtime rate of pay.

Most employees must receive overtime pay at 1½ times their regular rates of pay for all hours of work over 40 in a given week. For example workers who are paid \$8 per hour must receive \$12 per hour for all hours of work over 40 per week. This applies to all workers who are covered by the overtime requirement even if they receive a weekly rate.

Several very limited occupations are not covered by the overtime pay provisions of the Labor Law, such as farm workers and professionals.

### Payday

#### The regular payday

The regular payday must be at least:

- weekly for manual workers,
- twice a month for clerical and other workers, and
- monthly for commissioned salespeople.

### Signed Receipt

The employer must have the employee sign a statement acknowledging receipt of the written notice and must keep the signed statement for six years.

For more information, contact the NYS Department of Labor, Division of Labor Standards:

**Phone: 1-888-52-LABOR**

**E-mail: [labor.sm.ls.ask@labor.state.ny.us](mailto:labor.sm.ls.ask@labor.state.ny.us)**

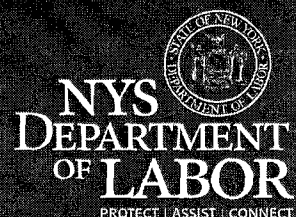
For employee information, see other side.

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# Workers

## Notice of Pay Rate and Payday for New Hires A New Labor Law

**When you are hired, your employer must give you a written notice of your pay rate and the regular payday.**

Written notice helps to avoid misunderstandings and pay disputes, and to resolve them if they occur.

Your employer **MUST** do this to comply with Labor Law, Section 195.1

### Pay Rate

Starting on October 26, 2009, New York State Labor Law requires employers to give new employees a written notice of:

- Your rate of pay, including overtime rate of pay.
- Your regular payday.

You must get this notice when you are hired, before you do any work.

### Overtime

If you qualify for overtime, the written notice also must include:

- Your overtime rate of pay.

Most workers must receive overtime pay at 1½ times their regular pay rate for all hours of work over 40 in a week. For example, if your regular rate is \$8 per hour, you must receive \$12 per hour for all hours over

40 per week. If you are covered by the overtime requirement, then you must receive overtime pay, even if you are paid a weekly rate.

Several very limited groups of workers are not covered by overtime, such as farm workers and professionals.

### Payday

The regular payday must be at least:

- weekly for manual workers,
- twice a month for clerical and other workers, and
- monthly for commissioned salespeople.

### Signed Receipt

The employer must have you sign a paper that says you got the written notice. The employer must keep your signed statement for six years.

Save the written notice of your pay rate that the employer gave you when you were hired. It will help if there is ever a question about your wages.

*For more information, contact the NYS Department of Labor, Division of Labor Standards:*

**Phone: 1-888-52-LABOR**

**E-mail: [labor.sm.ls.ask@labor.state.ny.us](mailto:labor.sm.ls.ask@labor.state.ny.us)**

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**Labor Law Section 195(1)**  
**Notice and Acknowledgement of Wage Rate and Designated Payday**  
**Hourly Rate Plus Overtime**

<b><u>Employer</u></b>	<b><u>Employee</u></b>
Company Name _____	Name _____
FEIN _____	Street address _____
Street address _____	Apt. _____ City _____
City _____ State _____	State _____ Zip: _____
Zip _____	Phone (_____) _____ - _____
Phone (_____) _____ - _____	
Preparer's Name _____	
Preparer's Title _____	

Your rate of pay: \_\_\_\_\_ per hour.

Your overtime rate of pay: \_\_\_\_\_ per hour.

Designated pay day: \_\_\_\_\_

I hereby certify that I have read the above and the information contained in this form is true and accurate to the best of my knowledge and belief. Any false statements knowingly made are punishable as a class A misdemeanor (Section 210.45 of the New York State Penal Law).

Date: \_\_\_\_\_

\_\_\_\_\_

**[Preparer's Signature]**

**General Statement Regarding Overtime Pay in New York:**  
Almost all employees in New York must be paid overtime wages of 1½ times their regular rate of pay for all hours worked over 40 per workweek. A very limited number of specific categories of employees are covered by overtime at a lower overtime rate or not at all.

I hereby acknowledge that I have been notified of my wage rate, overtime rate, and designated pay day on the date set forth below.

Date: \_\_\_\_\_

\_\_\_\_\_

**[Employee's Signature]**

*A duplicate signed copy of this form is to be provided to the employee. Original must be kept by the employer.*