

LABOR & EMPLOYMENT

>>ALERT

DEADLINE APPROACHING: WTPA ANNUAL NOTICE

As we begin the New Year, New York employers should be mindful of the upcoming annual notice deadline under New York's Wage Theft Prevention Act (WTPA).

Under the WTPA, which became effective in April 2011, on or before February 1 annually, employers are required to provide written notice to all employees of their respective:

- >> Rate of pay (including overtime rate, where applicable);
- >> Basis of pay (i.e., hourly, weekly, salary, commission, etc.); and
- >> Allowances, if any, claimed as part of the minimum wage (i.e., tip, meal or lodging allowances).

Additionally, the written notices need to include:

- >> The employer's regular payday;
- >> The name of the employer;
- >> Any "doing business as" names used by the employer;
- >> Physical address of the employer's main office or principal place of business, and a mailing address (if different); and
- >> Telephone number of the employer.

Employers must have employees acknowledge receipt of the notice in writing, and provide a copy of the signed notice to each employee. In addition, employers must maintain the signed and dated notices for six years. Electronic dissemination of the notice is acceptable, provided that the employer has a mechanism for its employees to acknowledge receipt and to print a copy for their records.

Legislation pending in the New York State Assembly that would amend the WTPA to dispense with the annual notice requirement is currently stalled. Davis & Gilbert will continue to monitor this situation and provide updates.

THE BOTTOM LINE

On or before February 1, 2013, employers must complete the dissemination of wage notices and collection of the written acknowledgements from employees.

FOR MORE INFORMATION

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