

Labor Law Bulletin

State Labor Department Permits Employers to Develop Their Own New Employee Notification Forms

On December 2, the New York State Department of Labor (the “NYSDOL”) reversed its position requiring employers to use its [Form LS-52](#) to provide written notification to new employees of their regular and overtime rates of pay, as well as their regular pay days. Employers may now create their own forms to reflect the terms of compensation for new hires, as long as the forms contain all the information required by the law.

Under amended Section 195(1) of the Labor Law, as of October 26, 2009, all employers in the state are required to provide pay information to their employees in writing, and to obtain written acknowledgment of receipt of this information from their new employees. This duty applies to all new hires, regardless of their classification as exempt or non-exempt employees under state and federal wage payment laws. At the time the law became effective, the NYSDOL required all employers to use Form LS-52. Since this form was designed only for employees who were paid at an hourly rate, it does not address rates of pay for employees who are compensated on a salary, commission or per-piece basis. To address this issue, the NYSDOL is now giving employers the discretion to craft their own notice and acknowledgment forms.

Because the NYSDOL requires all employers to provide this information to new hires and obtain written acknowledgment of receipt before the employees begin working, this notice and acknowledgment form should be incorporated into the intake packets that employers maintain for newly hired employees. Vedder Price attorneys are available to ensure employers’ compliance with these new requirements, including the design and use of a wage notification and acknowledgment form that meets the requirements of New York and federal laws.

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