

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S3357

SPONSOR: ONORATO

TITLE OF BILL:

An act to amend the labor law, in relation to providing notice to employees of the terms and conditions of employment

PURPOSE:

This bill would allow workers to determine whether their paychecks properly reflect the hourly wage rates their employers agreed to at the time of hiring, including the proper overtime rate.

SUMMARY OF PROVISIONS:

Section 1 of the bill would amend Labor Law § 195(1) to require employers to provide employees with written notice at the time of hire of their regular and overtime hourly wage rates, and to obtain a written acknowledgement of receipt of this notice.

Section 2 of the bill would provide that the bill will be effective 90 days after enactment, and will apply to all employees hired on or after such date.

EXISTING LAW:

Currently Labor Law § 195(1) requires employers to disclose to their employees at the time of hire the rate of pay and the employer's regular pay day.

LEGISLATIVE HISTORY:

2008: A.10851 Passed the Assembly (132-0)
S.8211 Referred to Labor

STATEMENT IN SUPPORT:

Currently, Labor Law § 195(1) requires employers to notify employees at the time of hiring of their rate of pay and the employer's regular pay day. This bill would require employers to disclose this information in writing and include the employee's regular and overtime hourly wage rates. Many employees who are covered by New York's wage and hour laws are paid on a weekly basis, making it difficult for them to discern what the overtime rate of pay should be. This new requirement will allow both the employee and the commissioner of Labor to compute the overtime rate

to which the employee is entitled. The bill also requires that the employer obtain a written acknowledgment from the employee regarding receipt of this notification. These changes will ensure that employees understand a critical feature of the employment relationship with their employers and will help to prevent confusion between an employer and employee regarding overtime pay.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This proposal would take effect 90 days after enactment and apply to all employees hired on or after such date.

LAWS OF NEW YORK, 2009

CHAPTER 270

AN ACT to amend the labor law, in relation to providing notice to employees of the terms and conditions of employment

Became a law July 28, 2009, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 195 of the labor law, as added by chapter 548 of the laws of 1966, is amended to read as follows:

1. notify his or her employees, in writing, at the time of hiring of the rate of pay and of the regular pay day designated by the employer in accordance with section one hundred ninety-one of this article, and obtain a written acknowledgement from each employee of receipt of this notice. Such acknowledgement shall conform to any requirements established by the commissioner with regard to content and form. For all employees who are eligible for overtime compensation as established in the commissioner's minimum wage orders or otherwise provided by law or regulation, the notice must state the regular hourly rate and overtime rate of pay;

§ 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all employees hired on or after such date.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

MALCOLM A. SMITH
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly