



Green & Seifter, Attorneys, PLLC

Alert

Employment and Labor Practice Group

An Important New Year's Resolution

Syracuse, New York

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A new year is upon us, and employers must remember to provide their employees with New York State's mandated labor notification. The first "annual notice" required by the recently enacted "**Wage Theft Prevention Act**," which became effective in April, 2011, begins **January 1, 2012**. The Act requires that employers provide written notice to employees, between January 1 and February 1 of each year, confirming information such as:

1. the employee's rate of pay;
2. the employee's overtime rate, if applicable;
3. the employer's method and frequency of payment;
4. the employer's regular pay date;
5. the employer's proper name and any assumed names;
6. the address and phone number of employer's main office; and
7. information regarding allowances and deductions from pay.

Merely providing the notice is inadequate. Employers must also be able to confirm the employee's receipt of the notice and employees must be able to obtain a printed copy of the notice, if it is provided electronically.

It is important to note that this notice requirement is not a "one-time" event. The Act requires such notice be provided every year, even if information provided to the employee does not change from year-to-year. The Act further requires that employers keep payroll records and employee acknowledgments of the notices for six (6) years.

Finally, the Act creates liabilities for employers that fail to meet the notice requirements and/or fail to properly pay their employees. The Act exposes employers to claims for liquidated damages, attorneys' fees, civil penalties, and possible criminal penalties for failure to comply with the law and/or failure to pay employees in accordance with New York Labor Law requirements. The Act further protects employees who complain to their employer that their conduct may violate New York Labor law.

If Green & Seifter, Attorneys, PLLC can provide you with additional insight and information regarding employment and labor laws, please contact **John L. Valentino**. John Valentino is a Managing Member of Green & Seifter Attorneys, PLLC, (www.gslaw.com) and concentrates his practice in the areas of Business Transactions and Employment Law.

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