

2024 New York Employer Wage Legislation

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A new State Law criminalizes the failure to pay proper wages. And it's not just your W-2 employees. The legislation says anyone who performs work for wages. And it's not just for refusing to pay a worker from one week to the next. It includes not paying overtime or promised wages. The statute adds "compensation for labor or services" to the definition of property that can be stolen, to all larceny laws. That means that a mistake about the latest minimum wage, an error in your tip credit calculation, and failure to pay the proper spread of hours offset or split shift allowance, now have even higher stakes than before. So, take note: The new minimum wage as of 1/1/24 is \$16.00 in NYC, LI, and Westchester.

Other laws being run across Governor's desk before the year ends include a new ban on "captive audience" meetings, and a ban on liquidated damages for violation of a non-disclosure agreement in harassment or other discrimination settlements. Those are both now law.

On December 12th, a law that would ban all non-compete agreements was sent to the Governor for her signature. Though it has not yet be signed, and the Governor reportedly wants it amended to exclude highly compensated employees, non-competes will be significantly limited in the near future; one way or the other.

Be sure your training, handbooks, policies, and posters are up to date, and that all HR, supervisory, and management staff is made aware of these new developments. And of course, as always, please let us know if we can help get your house in order. Happy Holidays and New Year. **Rachel Demarest Gold** is a Partner at Abrams Fensterman, LLP where she practices with the Firm's Labor and Employment, Criminal, and Government Litigation, Law and Policy practice groups.

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