

Changes to New York's Labor Law Impose New Requirements on Employers

Recently, the New York Legislature amended Section 195 of New York's Labor Law. This section of the Labor Law required all employers (including physicians, regardless of the number of employees they have in the practice) to provide certain notice to employees regarding wages and termination of employment. It also provides record keeping requirements that all employers must follow. More specifically, Section 195 provides that each employer must:

1. Notify employees when they are hired of their rate of pay and their regular pay day;
2. Notify employees of any change in their pay day prior to the time of such change;
3. Furnish each employee with a statement with every payment of wages, listing gross wages, deductions and net wages, and upon the request of an employee, furnish an explanation of how such wages were computed
4. Establish, maintain and preserve for not less than three years payment records showing hours worked, gross wages, deductions and net wages for each employee;
5. Notify employees in writing, or by publicly posting the employer's policy on sick leave, vacation, personal leave, holidays and hours;
6. Within five days after termination, notify any employee terminated from employment, in writing, of the exact date of such termination as well as the exact date of cancellation of employee benefits connected with such termination. A failure to provide this notification can result in a \$5,000 fine and other liabilities.

As a result of new amendments which became effective October 26, 2009, employers must notify employees in writing at the time they are hired of their rate of pay and the regular pay day. They must also obtain a written acknowledgment from each employee of their receipt of such notice. For employees who are eligible for overtime compensation, the notice must also state the regular hourly rate and the overtime rate of pay. Such acknowledgment must conform to any requirements established by the New York State Commissioner of Labor with regard to content and form. To date, the New York State Department of Labor has not established any specific requirements relating to content and form.

In addition to the changes in New York's Labor Law, the United States Congress has recently amended the Americans with Disabilities Act ("ADA"), the Family Medical Leave Act ("FMLA"), and enacted the Lilly Ledbetter Fair Pay Act of 2009. These modifications to the New York State and Federal labor and employment statutes are just another reminder of the ever-changing legal landscape that employers must constantly remain abreast of in order to remain in compliance with all applicable State and Federal statutes and regulations.

In light of this, we would like to remind you of our firm's expertise in these complex employment issues. Our firm routinely handles employment matters and in particular, discrimination matters, pertaining to

disability, race, sex, or national origin reasons. We are skilled at navigating the often complex and intertwined venues of the United States Equal Employment Opportunity Commission, the New York State Division of Human Rights, and the New York City Commission on Human Rights. In the event that an employment matter finds its way to the State or Federal Courts, our office is well equipped with skilled litigators that specialize in employment discrimination issues.

While we hope that you do not encounter any employment issues requiring legal counsel, Abrams Fensterman has the experience to help you. Should you have any questions, please contact any of the attorneys in our New York City office at 212-279-9200; our Long Island office at 516-328-2300; our Brooklyn office at 718-272-6040; or our Rochester office at 585-232-6002