

State Regs Change to Exempt Thresholds – 3 days to Comply

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Client Alert:

State Regs Change to Exempt Thresholds – 3 Days to Comply

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The State today announced new salary thresholds for exempt employees with which all employers must comply by

THIS SUNDAY DECEMBER 31, 2016

You may recall that USDOL planned to implement new rules for employees exempt from overtime and other related regulations, effective December 1. The fate of those are still unknown. A federal judge ruled that they could not be enacted and that litigation is still pending.

In the meantime, New York State is proceeding with new state rules that mandate certain changes.

Here in New York we apply the “duties” test. So employees who have specific white collar duties, such as professional, managerial, or administrative responsibilities, are considered “exempt”.

The following are the new rules regarding salary requirements for exempt employees:

Employers in New York City

- o Large employers (11 or more employees)

- o \$825.00 per week (\$42,900 annually) on and after 12/31/16
- o \$975.00 per week (\$50,700 annually) on and after 12/31/17^[4]
- o \$1,125.00 per week (\$58,500 annually) on and after 12/31/18
- o Small employers (10 or fewer employees)
 - o \$787.50 per week (\$40,950 annually) on and after 12/31/16
 - o \$900.00 per week (\$46,800 annually) on and after 12/31/17
 - o \$1,012.50 per week (\$52,650 annually) on and after 12/31/18
 - o \$1,125.00 per week (\$58,500 annually) on and after 12/31/19

Employers in Nassau, Suffolk, and Westchester Counties

- o \$750.00 per week (\$39,000 annually) on and after 12/31/16
- o \$825.00 per week (\$42,900 annually) on and after 12/31/17
- o \$900.00 per week (\$46,800 annually) on and after 12/31/18
- o \$975.00 per week (\$50,700 annually) on and after 12/31/19
- o \$1,050.00 per week (\$54,600 annually) on and after 12/31/20
- o \$1,125.00 per week (\$58,500 annually) on and after 12/31/21

Employers Outside of New York City, Nassau, Suffolk, and Westchester Counties

- o \$727.50 per week (\$37,830 annually) on and after 12/31/16
- o \$780.00 per week (\$40,560 annually) on and after 12/31/17
- o \$832.00 per week (\$43,264 annually) on and after 12/31/18
- o \$885.00 per week (\$46,020 annually) on and after 12/31/19
- o \$937.50 per week (\$48,750 annually) on and after 12/31/20

Should you need additional information, please contact our Employment Law Group directed by Sharon Stiller at sstiller@abramslaw.com (585-218-9999); Rachel Demarest Gold at rgold@abramslaw.com (718-215-5300); or Eric Broutman at ebrouman@abramslaw.com (516-328-2300).

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