

8856

I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. GABRYSZAK -- read once and referred to the
Committee on Labor

AN ACT to amend the labor law, in relation to eliminating an employer's
annual notice requirement

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (a) of subdivision 1 of section 195 of the labor
2 law, as amended by chapter 564 of the laws of 2010, is amended to read
3 as follows:
4 (a) provide his or her employees, in writing in English and in the
5 language identified by each employee as the primary language of such
6 employee, at the time of hiring, [and on or before February first of
7 each subsequent year of the employee's employment with the employer,] a
8 notice containing the following information: the rate or rates of pay
9 and basis thereof, whether paid by the hour, shift, day, week, salary,
10 piece, commission, or other; allowances, if any, claimed as part of the
11 minimum wage, including tip, meal, or lodging allowances; the regular
12 pay day designated by the employer in accordance with section one
13 hundred ninety-one of this article; the name of the employer; any "doing
14 business as" names used by the employer; the physical address of the
15 employer's main office or principal place of business, and a mailing
16 address if different; the telephone number of the employer; plus such
17 other information as the commissioner deems material and necessary. Each
18 time the employer provides such notice to an employee, the employer
19 shall obtain from the employee a signed and dated written acknowledge-
20 ment, in English and in the primary language of the employee, of receipt
21 of this notice, which the employer shall preserve and maintain for six
22 years. Such acknowledgement shall include an affirmation by the employee
23 that the employee accurately identified his or her primary language to
24 the employer, and that the notice provided by the employer to such
25 employee pursuant to this subdivision was in the language so identified
26 or otherwise complied with paragraph (c) of this subdivision, and shall
27 conform to any additional requirements established by the commissioner

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 with regard to content and form. For all employees who are not exempt
2 from overtime compensation as established in the commissioner's minimum
3 wage orders or otherwise provided by New York state law or regulation,
4 the notice must state the regular hourly rate and overtime rate of pay;
5 S 2. This act shall take effect immediately.