

## **Wage Theft Prevention Act Annual Notice Requirement Remains In Effect**

Earlier this year, the New York State Senate approved the repeal of the Wage Theft Prevention Act (“WTPA”)’s annual notification requirement. Unfortunately, efforts to repeal quickly lost traction. There are no intentions to reinstitute repeal efforts prior to the close of this year. As a result, New York employers must continue to provide the WTPA form to all employees annually between January 1<sup>st</sup> February 1<sup>st</sup>. The information to include has not changed since last year. Briefly, the form must include:

- Rate or rates of pay, including overtime rate of pay and basis thereof;
- How the employee is paid, for example, whether the employee is paid by the hour, shift, day, week, salary, piece, commission, or another measure;
- allowances, if any, claimed as part of the minimum wage, including tip, meal, or lodging allowances;
- the regular payday;
- the name of the employer and any DBA names used by the employer;
- the physical address of the employer's main office or principal place of business and the mailing address if different; and,
- the telephone number of the employer.

The Department of Labor (“DOL”) does provide a sample annual notification form in English as well as Spanish, Chinese, Haitian Creole, Korean, Polish and Russian on its website. However, employers are under no obligation to utilize the DOL’s form, or to provide all of the information listed therein. Keep in mind the WTPA form must be provided in both English and the Employee’s primary language.

While the latest attempt to repeal the annual notification requirement of the WTPA may have failed, there is no guarantee that future attempts will meet similar fates. As always, we will keep you informed on this issue.