

## **New Year Brings New Set of Wage Notification Obligations for NY Employers**

By Michael W. Macomber

On Dec. 10, 2010, then-Gov. David Patterson signed into law the Wage Theft Protection Act (WTPA). The act amends a number of provisions in New York's Labor Law and has the stated aim of expanding "the rights of employees to seek civil and criminal avenues of remedy for their employers failing to follow labor law appropriately..." While the act has been in effect since April of 2011, certain time-sensitive deadlines are fast approaching. Employers should be keenly aware of their new obligations to ensure that they are in compliance with the new law. In January, employers will for the first time be obligated to comply with the act's annual notice provision, which requires employers to provide all employees with certain pay notices between Jan. 1 and Feb. 1 of each year. New hires must be given this notice within 10 days of their hire date. This notice must include the employee's rate of pay and the basis for this rate, any allowances claimed as part of the wage (i.e. tips or lodging), the normal pay day, as well as the employer's name, address, phone number and any name under which it does business. The employer must also obtain a signed and dated acknowledgment from the employee that it received this notice. Finally, the law leaves the door open for additional notice requirements, as it mandates that employers include "such other material as the [labor] commissioner deems necessary." Given that the financial penalties for non-compliance can be significant, employers should make sure that their pay notices contain all of the information required by the WTPA. Employers who fail to comply with the new notice provisions open themselves to substantial financial liability. The act provides for penalties of \$50 for every week that employers do not provide an employee with proper notice. As liability is assessed on a "per employee" basis, the amount of damages can multiply significantly even for smaller employers. The law also creates a private right of action for employees who are not provided proper notice. They can recover \$50 per week of non-compliance up to an amount of \$2,500. These employees can also recover litigation costs and attorneys' fees. The act requires that employers maintain copies of these notices for six years. Employers should be particularly aware of this requirement so that they have proof of compliance should the need arise. Finally, employers should be aware that the coverage of the WTPA is broader than many other labor law statutes. All private employers, including non-profit organizations, are required to comply with the new notice provisions. Furthermore, even salaried employees who may be exempt from overtime under state and federal law must be provided notice. Capital Region employers should start preparing for the WTPA's new notice provisions to kick in. By taking some time now to ensure that their pay notices comport with the new law, employers can avoid significant financial liability down the road. Tully Rinckey PLLC's business law attorneys in Albany, N.Y. can help businesses in Albany, Troy, Schenectady and Saratoga Springs comply with WTPA. Employees who do not receive notification in accordance with the law should contact one of the firm's employment law attorneys. Michael W. Macomber is an associate for Tully Rinckey PLLC who concentrates his practice on employment law and civil litigation. He can be contacted at [mmacomber@1888Law4Life.com](mailto:mmacomber@1888Law4Life.com)

. To schedule a meeting with one of Tully Rinckey PLLC's employment law attorneys call 1-888-Law-4-Life.

&#8220;He took on this case with vigor and ZERO FEAR of the government!&#8221;

"LITERALLY THE BEST MONEY I EVER SPENT!!!! The USAF charged my son with Article 92, Violate General Order and Article 128, Simple Assault. I spoke to many attorneys who said to me, "Your son will be convicted of the Simple Assault because putting lotion on someone's face is considered an assault as it is an unwanted touch." They all wanted me to work on a plea deal with the government that ended with my son being discharged, spending time in the brig and having a federal conviction for the rest of his life. Knowing that this just didn't warrant a federal conviction, bad conduct discharge and time in the brig, I was on a search to find an attorney who would look at this case for what it was: a couple of 19-21 year-old immature young men horse playing. I was looking for someone who would say something different; someone who would be able to look at the case from more than one view. When I spoke to Mr. Rinckey, I thought I was going to get the same ole speech, but to my surprise, I IMMEDIATELY felt at ease and I knew right then that he was going to be my attorney (not sure if he knew it at this time). He took on this case with vigor and ZERO FEAR of the government! He wanted them to know that this was NOT going to go away with any plea deal! And he went to work! Then, LITERALLY 2 DAYS BEFORE trail the government added an additional charge, which was Article 134, Unlawful Entry. Mr. Rinckey stayed focused, developed a plan, and off to trail we went. He was so prepared, calm and at ease. I remember him saying to me, "I am ready to try this case." And yesterday – 14 APR 2016 – my son was found NOT GUILTY on ALL CHARGES AND SPECIFICATIONS!!! Yesss!!! You know, it's always hard to find money for an attorney, but I learned one thing with this case. Although I thought we couldn't afford an attorney, the truth of the matter was that we couldn't afford NOT TO HAVE an attorney. I only wish I had found Mr. Rinckey sooner, but that's okay. I have found my ATTORNEY for life," Y.W. on Founding Partner on Greg Rinckey, Esq.

Prior results do not guarantee similar outcomes.

"Great Customer Service" – C.R.

"Great customer service, thoroughly explained all aspects of my case. Thank you." - C.R.

Prior results do not guarantee similar outcomes

&#8220;Great Service&#8221; &#8211; E.S.

I want to thank you all for the great service rendered [to] myself and family. - E.S. on Client Relations Attorney Derrick Hogan

"High Regard" – R.E.M.

"Your firm held my best interests with high regard... I thank you for your efforts" - R.E.M.

"Prompt and Efficient" – K.E.

"Prompt and efficient in processing claim, all correspondence handled in prompt & efficient manner" – K.B.

“Impressed” – W.W.

“As a retired heavy user of attorneys, I’m impressed with your concerns and your efforts to stay in touch with your clients. Its damned good management aligned with top notch expertise.” – W.W.

“Excellent Service” – J.R.

“Excellent service, very professional, and understanding and considerate of clients needs” Attorney was very approachable and there was a very good comfort level” – J.R.

“Full Service” – K.M.

“I like the fact the office is close enough to where I work and live and that it is a full service practice, not just estate planning” – K.M.

“Professional and Informative” – J.H.

“Professional and informative... I was pleased with the handling of the case. I was treated as a person, and kept abreast of all aspects of the case. Thank you all.” – J.H.

“Thanks So Much” – J.D.

“Without your Firm, I would not have known of my claim. Thanks so much!” – J.D.

“Gets Results” – F.P.

“Most certainly – The firm gets results!” – F.P.

“Outstanding” – M.P.

“Results are outstanding” – M.P.

“Quite Satisfied” – R.W.

“I am quite satisfied with the services your office has provided.” – R.W.

“Exceptional Legal Services” – A.S.

“Your firm, Tully Rinckey, has provided and continues to provide me with prompt, keen, exceptional legal services. After the initial consult, I felt relieved that I had the representation from Tully Rinckey... I have found a new found hope with Tully Rinckey...” – A.S.

“Absolute Best” – R.H.

“My attorney was the absolute best I could ever have hoped for. A pure professional in every sense of the word. She was very mindful of my financial expenditure and still was able to represent me very well in my court case.” – R.H.

“Outstanding Service” – A.R.

“Outstanding service, true professional.” – A.R.

“Top Notch” – V.W.

“My attorney was top notch. Very Pleasant and helpful” – V.W.

“Very Thankful” – C.P.

“Very thankful for the help and guidance I received from your law firm. Because of your law firm I was able to return to work with all my back benefits.” – C.P.

“Ideal Choice” – D.H.

“My attorney knew exactly the approach to take and was the ideal choice. She was extremely responsive. She was clear, balanced, and open to our views and feelings. She made it clear she was there for us and ready to answer questions.” – D.H.

“Very Satisfied” – D.D.

“I was very satisfied with the services provided which were completed in a very timely and professional manner.” – D.D.

“Excellent” – B.M.

“Your firm provides excellent & free service to federal workers and NG/USAR members.” – B.M.