

# Employers

## Notice of Pay Rate and Payday for New Hires A New Labor Law

**When hiring new workers, employers must give them written notice of their rate of pay and the regular payday. This notice must be given on an official form from the New York State Department of Labor.**

Written notice helps to avoid misunderstandings and pay disputes, and to resolve them if they occur.

*The written notice is required to comply with Labor Law, Section 195.1  
Employers can view guidelines and download the required form on our web site at [www.labor.ny.gov](http://www.labor.ny.gov).*

### Pay Rate

Starting on October 26, 2009, New York State Labor Law requires employers to give newly hired employees a written notice of:

- Their rate of pay, including overtime rate of pay.
- Their regular payday.

You must give the employees this notice at the time of hiring, before they do any work.

### Overtime

**Written notice must state the overtime rate of pay, if it applies.**

If the employee is covered by an overtime provision of the labor law, the written notice also must include:

- The overtime rate of pay.

Most employees must receive overtime pay at 1½ times their regular rates of pay for all hours of work over 40 in a given week. For example workers who are paid \$8 per hour must receive \$12 per hour for all hours of work over 40 per week. This applies to all workers who are covered by the overtime requirement even if they receive a weekly rate.

Several very limited occupations are not covered by the overtime pay provisions of the Labor Law, such as farm workers and professionals.

### Payday

#### The regular payday

The regular payday must be at least:

- weekly for manual workers,
- twice a month for clerical and other workers, and
- monthly for commissioned salespeople.

### Signed Receipt

The employer must have the employee sign a statement acknowledging receipt of the written notice and must keep the signed statement for six years.

*For more information, contact the NYS Department of Labor, Division of Labor Standards:*

**Phone: 1-888-52-LABOR**  
**E-mail: [labor.sm.ls.ask@labor.state.ny.us](mailto:labor.sm.ls.ask@labor.state.ny.us)**

For employee information, see other side.

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ASSIST *the Unemployed*  
CONNECT *Employers and Workers*

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