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Labor & Employment Compliance Bulletin

Governor Cuomo Signs NY Wage Theft Amendment

As we reported in our [June blog post](#), the New York Legislature overwhelmingly passed a bill amending the Wage Theft notification process, so that employers would no longer be required to distribute notices to all employees on an annual basis. At that point, the bill was expected to be sent to the governor and signed in plenty of time for the 60-day effective date so that the bill would be in effect by the end of the year.

The governor had some concerns about “technical and substantive” provisions of the bill which caused some give and take to occur between the governor and the legislature. The bill was finally sent to the governor on December 17th, and as part of the agreed upon upcoming chapter amendment, the annual notice requirement will not be in effect for 2015.

Employers should be mindful that the new employee notices are still in effect and penalties for non-compliance in that area are now greatly enhanced. As a reminder, the new law states that if an employer fails to provide a notice within ten days of an employee’s first day of work, the employer can be liable for \$50 per work day per employee for a total of up to \$5,000. This is an increase from the prior penalty numbers, which were \$50 per week per employee and a cap of \$2,500.

Enforcement of these notices is likely to increase with the removal of the extremely unpopular annual notices, so employers should ensure that their onboarding processes for new hires is up to date and that wage theft notices are an integral part of that process.

Bottom Line

Employers should continuously monitor the compliance landscape to keep abreast of changes in state notification requirements that might affect them. Equifax Workforce Solutions can help simplify compliance with the various state and local notifications through an easily-managed portal that helps ensure compliance with new regulatory guidelines. To learn more about how Equifax Workforce Solutions can help you stay abreast of all state and federal notice requirements, please send an email to pete.krieshok@equifax.com, with the subject line of “Labor & Employment Compliance Bulletin.”