

CLIENT ALERT

Complete New 195.1 Forms for Non-Exempt Employees Hired or Receiving Pay Raises in 2019

Beginning December 31, 2018, New York State’s minimum wage rate is set to increase. The applicable increased minimum wage varies based upon where the employee is located and the size of the employer, as follows:

NYC employers with 11 or more employees:		NYC Employers with 10 or fewer employees:	
Minimum Wage	Overtime Rate	Minimum Wage	Overtime Rate
\$15.00	\$22.50	\$13.50	\$20.25
Nassau / Suffolk / Westchester – All Employers:		Rest of State (Outside NYC, Nassau, Suffolk & Westchester)- All Employers:	
Minimum Wage	Overtime Rate	Minimum Wage	Overtime Rate
\$12.00	\$18.00	\$11.10	\$16.65

Employers must raise their non-exempt employees’ pay – where needed – to the new minimum wage. The New York Labor Law also requires employers to notify employees of their pay rate at the time of hire and whenever the rate changes. Therefore, employers who increase or otherwise alter an existing employee’s rate of pay must also complete new forms that notify the employee of the change in compensation.

The New York Department of Labor promulgates fill-in-the-blank “Notice and Acknowledgment of Pay Rate and Payday” forms for this purpose. For your convenience and to assist in your legal compliance obligations, we have linked the form [here for non-exempt employees paid an hourly rate](#) for your use in this regard. This form should only be used for hourly rate employees. If you have non-exempt employees who are paid by a method other than an hourly rate – for example, salaried non-exempt employees – or employees whose primary language is not English, please contact us for the appropriate forms.

For our restaurant clients, please refer to our client alerts entitled “[Minimum Wage Developments in New York 2019](#)” and “[Complete New 195.1 Forms For Your Hourly Restaurant Employees](#),” for a complete schedule of the new minimum wage, tip credit and overtime rates, as well as an overview of your wage notice obligations. For information regarding exempt employees, please see our client alert entitled “[Complete New 195.1 Forms for Exempt Employees Hired or Receiving Pay Raises in 2019](#).”

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If you have questions or would like additional information, please contact The Employment Law Practice Group Leader Amanda M. Fugazy (afugazy@egsllp.com) or the primary EGS attorney with whom you work.

This memorandum is published solely for the informational interest of friends and clients of Ellenoff Grossman & Schole LLP and should in no way be relied upon or construed as legal advice.

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