



New York State Department of Labor
Andrew M. Cuomo, *Governor*
Colleen C. Gardner, *Commissioner*

February 22, 2011

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Request for Opinion
Wage Theft Prevention Act
RO-11-0030

Dear [REDACTED]:

I am writing in reply to your letter of December 2, 2010, in which you inquire as to the requirements of the Wage Theft Prevention Act which was officially signed by Governor Paterson on December 10, 2010. (Chapter 564 of the Laws of 2010 [Effective April 9, 2011]) As you state in your letter, that Act amends Section 195 of the Labor Law to require that employers provide a written notice of pay on or before February 1st of each year of that employee's employment. Your letter seeks confirmation that the annual notification requirement is first effective on or before February 1, 2012, given the effective date of the Act is April 9, 2011. Please accept this letter as such confirmation.

While the annual notification requirements are not triggered until next year, the amended notice requirements set forth in the Act will immediately apply to persons hired on or after the effective date and to all employees where there is a change in the terms and conditions of employment as related to the various statutory elements, as amended, e.g. a change in rate of pay, allowances, pay date.

Should you have any further questions, please feel free to contact me.

Very truly yours,
Maria L. Colavito, Counsel

By: 
Michael Paglialonga
Assistant Attorney II

cc: Carmine Ruberto

Phone: (518) 457-4380 Fax: (518) 485-1819
W. Averell Harriman State Office Campus, Bldg. 12, Room 509, Albany, NY 12240