

Amendments to New York's Wage Theft Prevention Act Impose New Notice Requirements Regarding Prevailing Wage Supplements and Home Care Aide Benefits

In April 2020, Governor Cuomo signed new laws which amend the Wage Theft Prevention Act (WTPA). First passed in 2011, and amended in 2014, the WTPA mandates that employers provide employees with notices at their time of hire containing pay information and include related pay information on employee pay stubs. The amendments add new requirements to the WTPA notices and pay stubs for employees on public work contracts throughout the state who receive prevailing wage supplements and for home care aides in New York City and Nassau, Suffolk and Westchester counties.

Prevailing Wage Supplements

The 2020 amendments make changes to the hiring notice requirements under the WTPA when an employer claims a prevailing wage supplement. Currently, the WTPA mandates that employers provide employees, at the time of hire, with a pay notice with: (1) rates of pay, including overtime; (2) method of payment; (3) allowances claimed as part of the minimum wage; (4) regular pay day; (5) the employer's name and physical address of the employer's main place of business; and (6) the employer's telephone number.

The amendments require employers who claim prevailing wage supplements to provide employees with a notice that includes: (1) the hourly rate claimed; (2) the type of supplement, such as pension or health care; (3) the names and addresses of the person or entity providing the supplement; and (4) the agreement, if any, requiring or providing for such supplement, together with information on how copies of such agreements or summaries thereof may be obtained by an employee.

The amendments also require that when prevailing wage supplements are claimed, the wage statements must identify the type of each supplement claimed and the hourly rate for each supplement, or the wage statements must be accompanied by a copy of the hiring notice containing that information. Prevailing wage supplement information must be maintained as part of the employer's payroll records for at least six years.

These new requirements relating to prevailing wage supplements take effect on June 23, 2020.

Home Care Aide Benefits

The 2020 amendments also make changes to the hiring notice requirements under the WTPA for home health care employers who employ home care aides in New York City and Nassau, Suffolk and Westchester counties. Specifically, in addition to the information listed above that must be provided at the time of hiring, employers of home care aides in those areas must include information on the benefit portion of the minimum rate of home care aide total compensation under New York's Wage Parity Law. The notice must include: (1) each type of benefit provided; (2) the hourly rate claimed

for each benefit; (3) the names and addresses of the person or entity providing the home care aide benefits; and (4) the agreement, if any, requiring or providing for the home care aide benefits, together with information on how copies of such agreements or summaries thereof may be obtained by an employee. The Wage Parity Law sets minimum wage rates, additional wages and supplemental benefits for home care aides in New York City and Nassau, Suffolk and Westchester counties.

Home health care employers in those areas are also required to include, on each home care aide's wage statements, the benefit portion of the minimum rate of home care aide total compensation and the type of each home care aide benefit provided. Home care aide benefit information issued pursuant to the WTPA must be maintained as part of the employer's payroll records for at least six years.

These new requirements relating to home care aide benefits take effect on October 1, 2020.

If you have any questions about this Information Memo, please contact [Theresa E. Rusnak](#), any of the [attorneys](#) in our [Labor and Employment Practice Group](#) or the attorney in the firm with whom you are regularly in contact.



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