

# WE ARE YOUR DOL



Division of Labor Standards

## Pay Notice and Acknowledgement for Farm Workers

This notice, when properly completed, satisfies the:

- Pay notice provisions of Section 195 of the NYS Labor Law
- Written work agreement provisions of Part 190, the Farm Minimum Wage Order

**1. Employer Information:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Doing Business As (DBA) Name(s): \_\_\_\_\_

Physical address: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Federal Employer Identification Number (FEIN) (optional): \_\_\_\_\_

**2. Notice given:**  At hiring  Before a change in pay rates, allowances claimed, or payday

**3. Specific location where worker will work:** \_\_\_\_\_

**4. Types of work to be performed:**

**5. Hours:** \_\_\_\_\_

Per Section 161.1 of the NYS Labor Law hours may not exceed 60 per work week except by prior mutual agreement.

**6. Describe employer provided housing** arrangements, if any, including number of rooms and cooking facilities:

**7. Employee's regular hourly rate(s) of pay and overtime rate of pay:** \_\_\_\_\_

Indicate basis; per hour, shift, day, week, salary, or per unit. (Give capacity of unit.)

Rate: \_\_\_\_\_ per: \_\_\_\_\_ Overtime rate: \_\_\_\_\_

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The Overtime Rate must be at least time and one-half the regular pay rate. If the pay rate is not hourly based, the overtime rate must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions.

Section 163-a NYS Labor Law: Beginning on January 1, 2020 agricultural employers must pay at least time and one-half of the employees' regular rate of pay for all hours worked in excess of 60 hours during a calendar week, **and** must not take place unless workers agree to work more than 60 hours in the calendar week in question.

**8. Payday:** \_\_\_\_\_ For week ending: \_\_\_\_\_

**9. Frequency of pay:** Weekly: \_\_\_\_\_ Other: \_\_\_\_\_

**10. Allowances**, if any, to be credited towards minimum wage:

Number of meals per day: \_\_\_\_\_ Amount per meal: \$ \_\_\_\_\_

Lodging: \$ \_\_\_\_\_

Payments in kind \$ \_\_\_\_\_ Specify: \_\_\_\_\_

11. All planned payroll deductions (e.g., health insurance, retirement contributions, other):

12. Employer provided benefits (e.g. paid sick time, vacation, personal days, holidays, other):

13. Approximate period of employment: Start date: \_\_\_\_\_ End date: \_\_\_\_\_

14. Non-economic terms and conditions of employment (e.g., transportation availability, medical service, childcare, schooling, etc.):

15. Day-of-rest: \_\_\_\_\_

Employers may not compel farm laborers to work on their day-of-rest. Farm Laborers must be paid time and one-half their regular rate of pay for volunteering to work on their day-of-rest.

Section 161.1 NYS Labor Law: Beginning on January 1, 2020 every farm laborer shall be allowed at least 24 consecutive hours of rest in each calendar week.

24 consecutive hours off for weather events, or crop conditions may count as a day of rest in a calendar week.

Nothing in this provision prevents a farm laborer from voluntarily working on his/her day-of-rest provided that his/her employer compensates the employee at a rate of at least time and one-half of the employees' regular rate of pay for all hours worked on the day-of-rest.

16. Employee Acknowledgment and Affirmation:

On this day, I have been notified of my pay rate, overtime rate, day-of-rest, allowances, and payday.

I affirm that I told my employer what my primary language is. Check one:

- I have been given this pay notice in English because it is my primary language, or
- I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language, which is: \_\_\_\_\_

Employee's name (print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

17. Preparer's name (print): \_\_\_\_\_ Title: \_\_\_\_\_

**The employee must receive a signed copy of this document. The employer must preserve a copy for 6 years.**

**Additional Information:**

Section 195 NYS Labor Law: Employers must give the information on this notice in writing to all employees at the time of hiring.

Employers must notify employees in writing of any changes to the information in this notice at least seven calendar days prior to the time of such changes, unless such changes are reflected on the employee's wage statement. However, even if the change will be reflected on the employee's wage statement, employers may not lower an employee's rate(s) of pay without notifying the employee before the work is performed.

Employers must notify their employees in writing or by publicly posting their policy on sick leave, vacation, personal leave, holidays and hours.

Employers must preserve their payroll records for 6 years.

NYS Minimum Wage Order for Farm Workers: Employers must post, in a conspicuous place on the farm:

- a copy of any generally applicable work agreement **and**
- a posting issued by the NYS Department of Labor summarizing the Farm Minimum Wage provisions.

It is unlawful for an employee to be paid less than an employee of the opposite sex or because the employee is in a protected class.

Employers may not prohibit employees from discussing their wages with co-workers.

Employers may not enquire about an employee's salary history