

Frequently Asked Questions

NYS Labor Law 195(1)

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Q. What is the reason for the NY Labor Law 195(1) policy and when does it go into effect?

A. On July 28th, 2009, New York State Labor Law 195(1) was amended to require employers to provide all new employees hired on or after October 26th, 2009 with written notice of their hourly rate of pay, pay cycle and for non-exempt employees, their over-time rate of pay. In addition, employers will have to obtain employee's written acknowledgement confirming his or her receipt of this information.

Q. Do all new employees have to be advised of the overtime rate?

A. No, only non-exempt employees (Union and Non-Union) and casuals are eligible for overtime pay.

Q. Can an employee begin work and be paid if they are not given an offer letter with the state mandated information?

A. No, new employees must be given an offer letter with the state mandated information prior to beginning their work at the University. We are requiring that a copy of the signed offer letter must be included in the hiring package sent to the HRPC.

For casuals, the Columbia University Casual Employment Form, a copy of the *Notice and Acknowledgement of Wage Rate and Designated Payday Hourly Rate Plus Overtime* form [NON-EXEMPT] and tax forms must be submitted along with the PAF to the HRPC. *It is the responsibility of the Local HR Manager or DA to make sure the form is completed.*

Q. What happens if I don't forward the copy of the signed offer letter/form to HRPC?

A. The paperwork will be held and the processing will be delayed until a copy of the appropriate signed form is submitted. *We must give the employee the form before they do any work.*

Q. If I've already sent out offer letters for new hires starting on or after October 26th, 2009, do I need to give them a revised offer letter?

A. Yes. The offer letter must be given to these individuals. A copy of the signed offer letter should be attached to a PeopleSoft-generated PAF and must be submitted to HRPC as soon as possible. If you have already submitted a *Notice and Acknowledgement of Wage Rate and Designated Payday Hourly Rate Plus Overtime* form [EXEMPT] to the HRPC, you will not be required to obtain any additional signatures.

Q. Don't we need to include specific language for Union positions regarding Overtime?

A. No. Employees should be referred to the applicable Union contract.

Q. Do transferred and promoted employees receive a new offer letter form?

A. They should receive a new offer letter only if they transfer to another department and there is a title or salary changes that occasions a new offer letter.

Q. If my department created its own standard offer letter, can we continue to use it and copy the required language into our template?

A. No. For consistency purposes and to ensure that required information and standard language are used throughout, only the University template, published by Central HR will be accepted. If there is additional department information that needs to be communicated, you should contact your Client Manager to determine best way to include the information in the template.

Q. Do casuals (non-Columbia Students) also receive the DOL form?

A. Yes. The Casual must fill out the *Notice and Acknowledgement of Wage Rate and Designated Payday Hourly Rate Plus Overtime* form along with the *Columbia University Casual Employment Form*. Both forms must be submitted to HRPC with the rest of the new hire paperwork. The casual must receive a copy of the DOL form.

Q. Should Columbia Work-Study students receive a *Notice and Acknowledgement of Wage Rate and Designated Payday Hourly Rate Plus Overtime* form as well as the Work-Study Pay Information Memo?

A. Yes. Departments must provide a completed Work-Study Pay Information Memo and the DOL form which will be signed by the student and retained by the department for auditing purposes. The student must receive a signed copy of the *Notice and Acknowledgement of Wage Rate and Designated Payday Hourly Rate Plus Overtime* form.

What gets submitted to HRPC relative to the NYS Labor 195(1) Law?

Union and Non-Union Support Staff: offer letter (copy)

Officers of Administration: offer letter (copy)

Casuals: DOL form (copy), CU Casual Employment Form (original) and PAF

Transferred Employee: offer letter (copy)

What stays in the department?

Work Study: DOL form (original) and Work-Study memo (original)