

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: _____ City: _____ State: _____ Zip: _____

Mailing address: _____ City: _____ State: _____ Zip: _____

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:** _____

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.

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: \$ _____

*No allowance for meals shall be considered as part of the minimum wage if a migrant seasonal employee earns less than \$254.00 in a two-week period.

Lodging and utilities: \$ _____

The lodging and utilities allowance is for all employees except migrant seasonal. *No allowance for lodging and utilities shall be considered as part of the minimum wage for a migrant seasonal employee.

Payments in kind: \$ _____ Specify: _____

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

12. Employer provided Paid Sick Leave:

13. Employer provided benefits (e.g. vacation, personal days, holidays, bereavement leave, other):

14. Approximate period of employment: Start date: ____ / ____ / ____ End date: ____ / ____ / ____

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

16. Union affiliation and Representative contact information, if any:

In NYS, farm workers possess the right to organize, which includes forming, joining, or assisting labor organizations, and the right to bargain collectively through representatives of their own choosing. Farm workers are protected from retaliation, including termination, if they are speaking to each other about labor conditions and organizing. However, farm workers do not have the right to strike.

17. 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 choosing to work on their day-of-rest.

Nothing in this provision prevents a farm laborer from working on the day-of-rest provided the 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 (if total has not exceeded overtime threshold).

18. 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:** ____ / ____ / ____

19. Preparer's name (print): _____ **Title:** _____

<p>The employee must receive a signed copy of this document. The employer must preserve a copy for 6 years.</p>

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.