



**Notice and Acknowledgement of Pay Rate and Payday Under Section 195.1 of the New York State Labor Law**  
**Notice for Employees Paid Salary for Varying Hours, Day Rate, Piece Rate, Flat Rate or Other Non-Hourly Pay**

**1. Employer Information**

Name:

Doing Business As (DBA) Name(s):

FEIN (optional):

Physical Address:

Mailing Address:

Phone:

**4. Employee's Pay Rate:**

\$ \_\_\_\_\_ per \_\_\_\_\_  
Specify the basis for the rate paid, i.e. salary for  
varying hours, day rate, etc.

Employers may not pay a non-hourly rate to a  
non-exempt employee in the Hospitality  
Industry, except for commissioned salespeople.

**5. Allowances taken:**

- ☐ None  
☐ Tips \_\_\_\_\_ per hour  
☐ Meals \_\_\_\_\_ per meal  
☐ Lodging \_\_\_\_\_  
☐ Other \_\_\_\_\_

**6. Pay is:**

- ☐ Weekly  
☐ Bi-weekly  
☐ Other \_\_\_\_\_

**7. Overtime Pay Rate:**

In most cases the overtime rate will be 1½ times  
the regular rate of pay for the week. The regular  
rate of pay is the total weekly pay divided by  
the hours worked in the week.

In most cases, it is illegal to pay a fixed weekly  
rate for varying hours worked over 40 per week.  
The Department of Labor strongly discourages  
weekly rates for non-exempt employees, since  
underpayments often result.

**8. Employee Acknowledgement:**

On this day, I received notice of my pay rate,  
overtime rate (if eligible), allowances, and  
designated payday. 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.

☐ My primary language is \_\_\_\_\_

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.

\_\_\_\_\_  
Print Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer Name and Title

**The employee must receive a signed copy of  
this form. The employer must keep the original  
for 6 years.**

**2. Notice given:**

- ☐ At hiring  
☐ On or before February 1  
☐ Before a change in pay rate(s),  
allowances claimed or payday

**3. Regular payday** \_\_\_\_\_