



January 19, 2011

Dear Valued Client,

Since October, 2009, the State of New York has required employers to comply with provisions of the New York Wage Theft Prevention Act (the "Act"), Section 195 under New York's Wage and Hour law, by collecting and providing certain payment information to newly hired employees. Previously, we have been compliant with Section 195 by collecting and providing required information through our Start/Close paperwork.

Effective April 9, 2011, an amendment to the Act creates new obligations which require us to begin using a separate document. Employers must now provide employees with additional information regarding the payment of wages. In addition, there are enhanced penalties for violations of the Act.

The Act amends Section 195 requiring employers to provide employees with a written notice containing certain information including:

- (1) The employee's rate or rates of pay (including the overtime rate of pay for non-exempt employees);
- (2) The basis for payment (by the hour, shift, day, week, salary, piece, commission or otherwise);
- (3) Whether the employer will claim any allowances as part of the minimum wage (e.g., tip, meal or lodging allowances-[which does not pertain to our industry]);
- (4) The employer's regular pay day; and
- (5) The employer's name, and any "doing business" names, and the physical and mailing address, and phone number, of the employer's main office. The form will be supplied using our "generic" Cast & Crew Entertainment Services, LLC entity.

Employers must provide new employees with this written notice at the time of their hire and must provide this notice to *all* employees annually beginning on or before February 1<sup>st</sup>, 2012.

Employers must provide the notice to employees in English and in the language identified by each employee as his/her primary language. While we expect a majority of, if not all, employees to identify English as their primary language, we are not required to produce the document in a language that has not been identified by the NY DOL. When providing written notice to employees, employers must obtain a signed and dated acknowledgement of each notice, which includes confirmation that the notice has been provided in the Employee's primary language.

Enclosed with this memo you will find NY Wage Theft Prevention Act forms to be completed for all newly hired employees and remitted back to Cast & Crew with your Start/Close paperwork. Please contact your Cast & Crew representative for a form published in a language other than English.