

The last newsletter of the year presents the perfect opportunity to update our members with respect to their upcoming obligations as employers. Although this article will focus on year-end changes, discussion will also be made of New York's sexual harassment prevention training requirement, due to the fact that certain additional requirements went into effect on August 12, 2019 – requirements that may have been overlooked by many law firms.

Employment Contracts and Information Disclosure

Beginning on January 1, 2020, employment contracts that limit an employee from disclosing information related to a future claim of discrimination or harassment must provide that the employee is not prohibited from speaking with law enforcement, the U.S. Equal Employment Opportunity Commission, the NYS Division of Human Rights, any local human rights commission, or a lawyer hired by the employee.

New York State Minimum Wage

Most minimum wage rates increase on December 31, 2019. Workers in New York City employed by businesses with 11 or more employees shall be paid a minimum wage rate of \$15.00 per hour (same as December 31, 2018 rate). Workers in New York City employed by businesses with 10 employees or fewer

shall be paid a minimum wage rate of \$15.00 per hour (up from \$13.50). Workers in Nassau, Suffolk, or Westchester Counties shall be paid a minimum wage rate of \$13.00 per hour (up from \$12.00). Workers in the rest of the State shall be paid a minimum wage rate of \$11.80 per hour (up from \$11.10).

Minimum Salary Levels for Exempt Employees

Effective December 31, 2019, employees who are exempt from overtime under the executive and administrative exemptions¹ must receive a certain minimum salary to retain their exempt status. The minimum salary for such exempt employees working in New York City for employers with 11 or more employees is \$1,125.00 per week (same as December 31, 2018 threshold). Exempt employees working in New York City for employers with 10 or fewer employees shall be paid a minimum salary of \$1,125.00 per week (up from \$1,012.50). Exempt employees working in Nassau, Suffolk, or Westchester Counties shall be paid a minimum salary of \$975.00 per week (up from \$900.00). Exempt employees working in the rest of the State shall be paid a minimum salary of \$885.00 (up from \$832.00).

Sexual Harassment Prevention Training

Since October 9, 2018, employers



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have been required to establish a sexual harassment prevention policy and provide annual sexual harassment prevention training. The deadline for completion of training was October 9, 2019. For law firms that missed this training requirement or only recently conducted such training, it is significant to note that, effective August 12, 2019, employers have been required to provide employees with a notice containing the "employer's sexual harassment prevention policy and the information presented at such employer's sexual harassment prevention training program" (in English and in the primary language of the employee) upon hire and at every annual sexual harassment prevention training program.

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Be well in 2020! ●

¹ New York has declined to establish a salary threshold for professional employees.