



# PAYROLL CURRENTLY

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## **New York Releases Templates for Direct Deposit, Paycards**

On January 19, the New York State Department of Labor (NYSDOL) posted notice and consent templates that employers may be expected to use when paying employees by either direct deposit or payroll card

(<https://labor.ny.gov/legal/counsel.shtm>). The forms are open for comment until February 10, and the rules are scheduled to go into effect on March 7 (see “Inside Washington” for October 2016 and for August 2016).

New York will require employers to notify employees, in writing, of all their options for being paid and also require that employers obtain employees’ consent when paying by either direct deposit or payroll card. The notice and consent forms must be presented in English and in the employee’s primary language if a form is available. Initially, the NYSDOL proposed to prepare templates in English and in six other languages: Chinese, Haitian-Creole, Korean, Polish, Russian, and Spanish. In the final rule, the list of languages was expanded to include Arabic, Bengali, French, Tagalog, and Urdu. Only the English versions are available for comment.

APA plans to ask the NYSDOL to delay enforcement of the rules due to the late release of the forms. Since the final rules were issued in October, APA and other stakeholders have repeatedly urged the NYSDOL to release the templates so that employers would have sufficient time to incorporate them into their employment practices. With comments on the forms still being accepted 3½ weeks before the rules will go into effect, the NYSDOL is providing employers very little time to adjust. Members of APA’s Government Relations Task Force Subcommittee on Payroll Cards say the draft templates are poorly written and laden with grammatical and technical errors. “When an agency posts a form for comment, there is every expectation that the form is ready to be used,” said Bill Dunn, CPP, APA’s Director of Government Relations. “These forms are clearly not ready.”