



New York State Department of Labor  
Andrew M. Cuomo, Governor  
Colleen Gardner, Commissioner

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January 12, 2011

[REDACTED]

Re: Request for Opinion  
Labor Law Section 195(3)  
RO-10-0180

Dear [REDACTED],

This letter is written in response to your request dated November 18, 2010, in which you seek an opinion regarding the requirement in Section 195(3) of the Labor Law that employers furnish employees with a wage statement. Your letter states that you represent a nationwide company that wishes to adopt an alternative paystub delivery method whereby employees will be able to access wage statements through the use of a machine using a keypad and a PIN. The employee's current and/or previous wage statement information from the previous payroll year is then accessed by the machine from the company's database and immediately printed for the employee in a similar format to a paper wage statement. Your letter states that the print-outs will contain all of the information required by Section 195(3), and asks if the proposed practice is permissible under Section 195(3) of the Labor Law.

New York Labor Law §195(3) provides in pertinent part:

Every employer shall... furnish each employee with a statement with every payment of wages, listing gross wages, deductions and net wages, and upon the request of an employee furnish an explanation of how such wages were computed.

It has been the position of the Department of Labor that electronically accessible employee wage statements are in compliance with Labor Law §195(3) provided the mechanisms from which the employees access the statements are capable of printing such statements without charge and delay. While your letter does not affirmatively state that

employees will not be charged or have their wages diminished in exchange for accessing and/or printing their wage statements, nothing in your letter indicates that employees will be charged or have their wages diminished in any way as a part of this practice and this determination presumes that to be the case. Since the delivery mechanism you propose meets these requirements, it is the opinion of this Department that the practice described complies with Section 195(3) of the Labor Law.

This opinion is based exclusively on the facts and circumstances described in your correspondence dated November 18, 2010, and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. This opinion cannot be used in connection with any pending private litigation concerning the issue addressed herein. If you have any further questions, please do not hesitate to contact me.

Very truly yours,  
Maria L. Colavito, Counsel

By:   
Michael Paglialonga  
Assistant Attorney II

cc: Carmine Ruberto