

REMINDER – NEW YORK CITY’S PAY TRANSPARENCY LAW TAKES EFFECT ON NOVEMBER 1, 2022

Hodgson Russ Labor & Employment Alert
October 21, 2022

As we [previously reported](#), the New York City Council passed a bill amending the New York City Human Rights Law to require employers with four or more employees, (or one or more domestic workers), include the minimum and maximum starting salary for any “advertised job, promotion, or transfer opportunity.”

This requirement was initially set to take effect on May 15, 2022, but the New York City Council delayed the effective date to November 1, 2022, as we reported here. The New York City Council also clarified that posting for jobs that pay an hourly wage, (as opposed to a salary), are also subject to the wage disclosure requirement.

With the November 1, 2022, effective date fast approaching, New York City employers should immediately prepare to include the salary/wage range on all covered postings. When establishing the minimum and maximum salary/wage to be included on the posting, the employer must determine, in good faith, what it believes it would pay for the job, promotion, or transfer opportunity at the time of advertisement. Both a minimum and a maximum salary/wage are required, so “open ended” information such as “\$20 per hour and up” or “a maximum of \$75,000 per year” is insufficient to comply with the new requirements.

While these requirements do not apply to positions that cannot or will not be performed, at least in part in New York City, the requisite wage/salary information should be included in postings for any job that can be performed in New York City, whether remotely or in person.

These New York City developments may be a sign of things to come across New York State. Both chambers of the New York State Legislature have passed legislation that, if enacted, would prohibit employers from advertising a job, promotion, or transfer opportunity that can or will be performed in New York without disclosing: (1) the compensation or a range for the job; and (2) the job description for the job if one exists. This legislation has not yet been delivered to Governor Kathy Hochul. Employers across New York State could closely monitor the progress of this legislation, which would take effect 270 days after being signed into law.

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If you have any questions about the New York City salary/wage transparency requirements or the pending state law on the same topic, please contact [Charles H. Kaplan](#) (646.218.7513), [John Godwin](#) (716.848.1357), [Kinsey O’Brien](#) (716.848.1287), or any other member of our [Labor & Employment Practice](#).