

New York City Issues Guidance on Requirement to Disclose Salary Ranges in Advertisements

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The New York City Commission on Human Rights published [guidance](#) for the recently enacted Local Law 32 of 2022, which requires salary transparency in job advertisements, effective May 15, 2022.

New York City [enacted](#) legislation on January 15, 2022, requiring all covered employers to include a minimum and maximum salary for the position advertised. Unfortunately, the legislative language is minimal and vague.

Much of the new guidance appears to be parallel to guidance Colorado provided for its salary disclosure law. Colorado is the only other jurisdiction that has issued such a broad salary disclosure law related to advertisements.

Summary

Key points from the guidance include:

- The New York City Commission on Human Rights asserts that an employer is covered if it has at least one employee who works in New York City (and at least four employees in total) or, in the case of domestic workers, just one employee in New York City.
- The law applies to any positions that can or will be performed, in whole or in part, in New York City (including jobs worked remotely from an employee's home).
- The guidance applies to a broad range of workers, including full-time and part-time employees, interns, domestic workers, and independent contractors.
- The guidance defines "advertisement" as a written description of a job, promotion, or transfer opportunity that is publicized to a pool of potential applicants (such as internal bulletin boards, internet advertisements, flyers at a job fair, or newspaper advertisements).
- The law applies to advertisements for both hourly and salaried positions, regardless of the frequency of payment.
- The guidance states that employers solely must provide salary or wage range in good faith.
- The guidance excludes applicants to be in a temporary agency pool. However, employers who work with temporary agencies are required to follow the law.

In a more positive sense for employers:

- The guidance makes clear that there is no obligation to advertise opportunities (including internal opportunities) and provides specifically that salary postings are not required for opportunities that are not advertised. It also notes that the law does not prohibit employers from hiring without using an advertisement or require employers to create an advertisement to hire.
- The guidance does not require employers to disclose other forms of

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compensation or benefits (such as insurance, paid or unpaid leave, retirement plans, overtime, or other forms of compensation, such as commissions, tips, bonuses, stock, or employer-provided meals or lodging).

Pending Bill

A [local law](#), Int 0134-2022, has been introduced to amend the salary disclosure law to exclude employers with fewer than 15 employees and to move the effective date of the law to November 1, 2022.

The proposal would also add language to clarify that the law applies to both hourly and salaried positions and that it does not apply to general notices that an employer is hiring (without reference to a particular position) or to positions that are not required to be performed, at least in part, in the City of New York.

While this proposed amendment purports to be on the agenda for the City Council's Stated Meeting on March 24, 2022, the fate of this amendment is still uncertain.

In reviewing the guidance, employers should be mindful that there are numerous other state and local laws governing disclosures of salaries in response to a query from an applicant or in offer letters that are likewise vital to address.

Jackson Lewis will be holding a [webinar](#) to discuss the new law and its impacts on employers in New York City.

Please speak with your Jackson Lewis attorney regarding any questions on the applicability of this law and preparatory steps that can be taken before the law becomes effective.