

New York City, New York State Pay Transparency Update

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Effective November 1, 2022, covered New York City employers will need to comply with the New York City [pay transparency law](#). This legislation requires [disclosure](#) of salary ranges in advertisements, rather than offer letters or upon request from applicants or employees.

The city law is like enactments in other jurisdictions, such as California, Colorado, and Washington. (See, for example, [California Expands Pay Transparency and Reporting Obligations](#) and [Washington Updates Guidance On 2023 Pay Transparency Requirements](#).)

New York State employers also need to be aware of state pay transparency legislation, [S. 9427](#), which has been passed by the legislature but has not yet been sent to Governor Kathy Hochul. It will go into effect 270 days after it is signed into law.

The state legislative language is minimal. Under the law, employers with at least four employees and employment agencies (except for temporary help firms as defined by Section 619 of the Labor Law) must include in any advertisement for a job, promotion, or transfer opportunity the minimum and maximum annual salary or hourly range of compensation that the employer in good faith believes to be accurate at the time of the posting. For a commission-only position, the disclosure obligation is satisfied by making a general statement that compensation will be based on commission. Covered entities also must disclose the applicable job description if one exists. Significantly, the measure contains an anti-retaliation provision.

The state Commissioner of Labor is empowered to issue regulations, and such guidance is needed to clarify the obligations of covered entities.

Please contact a Jackson Lewis attorney regarding any questions on compliance with the city's or any other applicable pay transparency law and the status and, if enacted, the applicability of state law and preparatory steps that can be taken before they become effective.

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