

Employer Alert: New York City Salary Range Transparency Law to Take Effect on November 1, 2022

As a reminder to New York City employers, New York City's Salary Range Transparency Law takes effect on November 1, 2022. The law requires most New York City employers to include a compensation range (either salary or an hourly wage) on any advertisement for a job, promotion, or transfer opportunity that will be performed, at least in part, in New York City. In a previous KD alert, which can be found [here](#), we provided a comprehensive summary of the Salary Range Transparency Law. However, since then, the law was amended, and the New York City Commission on Human Rights has issued guidance to assist employers. With the effective date of the law upon us, below is a brief overview of the law and the steps employers should take to comply.

Does the law apply to my business?

The law applies to any employer with four or more employees. These four employees do not need to all work in New York City. Rather, as long as one employee works in New York City, the employer would be covered. Employers should also note that owners count towards the employee count.

To prevent employers from using employment agencies in an effort to sidestep the law's requirements, an employment agency, regardless of its size, is covered under the law. Temp agencies who are seeking applicants to join their pool of available workers, on the other hand, are exempt from the law's requirements.

What job advertisements are covered?

The guidance defines an "advertisement" as a written description of an available job, promotion, or transfer opportunity that is publicized to a pool of applicants and the advertisement will be covered regardless of the medium in which it is disseminated (i.e. bulletin boards, internet postings, printed flyers, and newspaper advertisements).

With respect to remote positions, the guidance appears to take a broad view of the advertisements that will be covered. Specifically, the guidance states that employers "should follow the new law when advertising for positions that can or will be performed, in whole or in part, in New York City, whether from an office, in the field, or remotely from the employee's home."

What must be included in the advertisement?

The employer must include the minimum and maximum salary or hourly wage that it in "good faith" believes at the time of the posting that they are willing to pay for the position. This range cannot be open-ended, such as "\$15 per hour and up" or "up to \$50,000 per year."

The law does not require the advertisement to include other forms of compensation or benefits, such as commissions, tips, bonuses, paid time off, contributions towards retirement plans, and health/dental benefits.

What should employers do next?

Employers should take immediate steps to comply with the law. All job postings and advertisements should be updated to include a minimum and maximum compensation range. In addition to this, employers should consider reviewing the compensation of its current workforce and document the reasons for any pay disparities (i.e. years of experience, education, performance, etc.). Given that the compensation range for certain positions will now be transparent, your current workforce may raise questions regarding their current compensation.

KD is here to help

The experienced Labor and Employment attorneys at Kaufman Dolowich & Voluck are available to assist with the preparation of the job posting materials or any questions you may have regarding the Salary Range Transparency Law. Should you need any assistance in updating your job posting materials, please contact Keith J. Gutstein (KGutstein@kaufmandolowich.com) or Edward H. Grimm (EGrimm@kaufmandolowich.com) by email.