

STATE OF NEW YORK

6529

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring employers to disclose compensation or range of compensation to applicants and employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 194-b to
2 read as follows:

3 § 194-b. Mandatory disclosure of compensation or range of compen-
4 sation. 1. a. Upon issuing an employment opportunity for internal or
5 public viewing an employer shall disclose the following in writing or
6 electronically:

7 (i) the compensation or a range of compensation for such employment
8 opportunity;

9 (ii) the job description for the position, if such description exists;
10 and

11 (iii) a general description of all benefits and other forms of compen-
12 sation to be offered.

13 b. An employer shall provide a current employee with the range of
14 compensation in place at the time of such employee's request and the job
15 description, if such description exists, for the employee's current
16 position at the time of hire and upon the employee's request, but no
17 more frequently than once per year.

18 2. No employer shall refuse to interview, hire, promote, employ or
19 otherwise retaliate against an applicant or current employee for exer-
20 cising any rights under this section.

21 3. The department has the power to administer, carry out and enforce
22 all provisions of this section and may promulgate rules and regulations
23 to effectuate the purposes of this section.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 4. The department shall conduct a public awareness outreach campaign,
2 which shall include making information available on its website and
3 otherwise informing employers of the provisions of this section.

4 5. The department shall establish and maintain a complaint procedure
5 pursuant to which any person who believes a violation of this section
6 has occurred, is occurring or is about to occur, may file a complaint.

7 a. Any such complaint shall be made in writing to the department,
8 which shall have the authority to investigate such reported violations
9 and to bring a subsequent action to collect damages, civil penalties and
10 equitable relief.

11 b. An employer who fails to comply with any requirement of this
12 section or any regulation published thereunder shall be deemed in
13 violation of this section and shall be subject to a civil penalty in
14 accordance with section two hundred eighteen of this chapter.

15 c. An applicant or current or former employee aggrieved by a violation
16 of this section may bring a civil action for compensation for any
17 damages sustained as a result of such violation in any court of compe-
18 tent jurisdiction. The court may award injunctive relief, any actual
19 damages incurred, punitive damages, other equitable relief as may be
20 appropriate and reasonable attorneys' fee and costs. All claims filed
21 under this section shall be filed within three years from the date of
22 the violation.

23 6. An employer shall keep and maintain necessary records to comply
24 with this section including, but not limited to, the history of compen-
25 sation ranges for each employment opportunity and the job descriptions
26 for such positions, if such descriptions exist.

27 7. For the purposes of this section the following terms shall have the
28 following meanings:

29 a. "range of compensation" means the range that the employer actually
30 relied on in setting compensation for the position and may be based on,
31 including but not limited to, any applicable pay scale or compensation
32 model relied upon by the employer or the actual range of compensation
33 for those currently holding the position.

34 b. "employer" shall include, but not be limited to:

35 (i) any person, corporation, limited liability company, association,
36 labor organization or entity employing an individual in any occupation,
37 industry, trade, business or service, or any agent thereof; and

38 (ii) any person, corporation, limited liability company, association
39 or entity acting as an employment agent or recruiter, or otherwise
40 connecting applicants with employers.

41 § 2. This act shall take effect on the one hundred eightieth day after
42 it shall have become a law.