

STATE OF NEW YORK

5906--C

Cal. No. 148

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. BORES, SHIMSKY, GONZALEZ-ROJAS, SEAWRIGHT, BURROUGHS, McDONOUGH, KASSAY, STECK, SIMONE, REYES, HEVESI, TAYLOR, ZINERMAN, RAMOS, LEVENBERG, COLTON, DeSTEFANO, JACOBSON, SIMON, SANTA-BARBARA -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the labor law, in relation to requiring employers to disclose information about benefits and other compensation, including bonuses, stock options, and commissions

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

- 1 Section 1. This act shall be known and may be cited as the "benefit
2 transparency act".
- 3 § 2. Section 194-b of the labor law, as amended by chapter 94 of the
4 laws of 2023, is amended to read as follows:
- 5 § 194-b. Mandatory disclosure of compensation or range of
6 compensation, other compensation, benefits, and position description. 1.
7 a. No employer, employment agency, employee, or agent thereof shall
8 advertise a job, promotion, or transfer opportunity that will physically
9 be performed, at least in part, in the state of New York, including a
10 job, promotion, or transfer opportunity that will physically be
11 performed outside of New York but reports to a supervisor, office, or
12 other work site in New York without disclosing the following:
- 13 (i) the compensation or a range of compensation for such job,
14 promotion, or transfer opportunity; ~~and~~
- 15 (ii) any other forms of compensation not required to be disclosed in
16 subparagraph (i) of this paragraph for which the position may be eligi-
17 ble, including bonuses, stocks, bonds, options, and equity or ownership;

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

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1 (iii) a general description of all benefits that an employer reason-
2 ably expects in good faith to offer for such job, promotion or transfer
3 opportunity, including health insurance benefits, paid time off, paid
4 disability insurance, and paid family leave; and

5 (iv) the job description for such job, promotion, or transfer opportu-
6 nity[~~, if such description exists~~].

7 b. If an employer offers a base salary outside the advertised range,
8 the employer shall retain a written record listing the reasons for
9 offering a salary outside the advertised range for no less than three
10 years after the date the position is filled.

11 c. An employer, employment agency, employee, or agent thereof adver-
12 tising for a job, promotion, or transfer opportunity paid solely on
13 commission shall maintain compliance with subparagraph (i) of paragraph
14 a of this subdivision by disclosing a general statement that compen-
15 sation shall be based on commission.

16 d. An employment agency, employer, or employee or agent thereof shall
17 disclose to current employees upon request, but no more frequently than
18 annually, the current range of compensation, including base salary and
19 other forms of monetary and non-monetary compensation for such employ-
20 ee's current job title and any other positions requiring equal or
21 substantially similar skill, effort, and responsibility that are
22 performed under similar working conditions. For any other non-monetary
23 compensation, the range shall be calculated using the units of such
24 non-monetary compensation.

25 e. An employment agency, employer, or employee or agent thereof who
26 does not issue an advertisement for a job, promotion, or transfer oppor-
27 tunity shall disclose the minimum and maximum wages, including base
28 compensation, non-wage compensation, and benefits which may be offered
29 for such position upon the request of any prospective candidate at any
30 point during the hiring process.

31 f. Within five business days of making an offer of employment for a
32 job, promotion, or transfer opportunity that will physically be
33 performed, at least in part, in the state of New York, an employer shall
34 provide the offeree with information related to current benefit plans
35 that such offeree would be eligible for if such offeree were to imme-
36 diately commence employment, if such offeree is eligible for any benefit
37 plans through the employer or through a union, including:

38 (i) the identity of any available insurance plans;

39 (ii) premium costs attributable to the employee in a specified pay
40 period;

41 (iii) annual deductibles;

42 (iv) coinsurance;

43 (v) copayments;

44 (vi) annual or lifetime caps on benefits;

45 (vii) coverage of preventive services;

46 (viii) coverage for prenatal and reproductive health care;

47 (ix) coverage of existing and new drugs;

48 (x) coverage for medical tests, devices, and procedures;

49 (xi) a link to search for in-network providers, if available; and

50 (xii) out-of-network coverage provisions.

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

54 3. The commissioner shall promulgate rules and regulations to effectu-
55 ate the provisions of this section.

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. a. Any person claiming to be aggrieved by a violation of this
5 section may file with the commissioner a complaint regarding such
6 alleged violation for an investigation of such complaint and statement
7 setting the appropriate remedy, if any, pursuant to the provisions of
8 section one hundred ninety-six-a of this article.

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

13 6. For the purposes of this section the following terms shall have the
14 following meanings:

15 a. "range of compensation" shall mean the minimum and maximum annual
16 salary or hourly range of compensation for a job, promotion, or transfer
17 opportunity that the employer in good faith believes to be accurate at
18 the time of the posting of an advertisement for such opportunity based
19 on factors such as relevant qualifications, the budgeted amount avail-
20 able for the position, applicable pay scale or compensation model relied
21 upon by the employer, the actual range of compensation for those
22 currently holding the position or equivalent positions, or other opera-
23 tional considerations.

24 b. "employer" shall mean:

25 (i) any person, corporation, limited liability company, association,
26 labor organization or entity employing four or more employees in any
27 occupation, industry, trade, business or service, or any agent thereof;
28 and

29 (ii) any person, corporation, limited liability company, association
30 or entity acting as an employment agent or recruiter, or otherwise
31 connecting applicants with employers, provided that "employer" shall not
32 include a temporary help firm as such term is defined by subdivision
33 five of section nine hundred sixteen of this chapter.

34 c. "advertise" shall mean to make available to a pool of potential
35 applicants for internal or public viewing, including electronically, a
36 written description of an employment opportunity.

37 d. "offeree" shall mean any individual with a pending offer of employ-
38 ment for a job, promotion, or transfer opportunity.

39 7. The provisions of this section shall not be construed or interpret-
40 ed to supersede or preempt any provisions of local law, rules, or regu-
41 lations, or to narrow in any way the scope of the definition of wages in
42 subdivision one of section one hundred ninety of this article.

43 § 3. Severability. If any clause, sentence, paragraph, subdivision,
44 section or part of this act shall be adjudged by any court of competent
45 jurisdiction to be invalid, such judgment shall not affect, impair, or
46 invalidate the remainder thereof, but shall be confined in its operation
47 to the clause, sentence, paragraph, subdivision, section or part thereof
48 directly involved in the controversy in which such judgment shall have
49 been rendered. It is hereby declared to be the intent of the legislature
50 that this act would have been enacted even if such invalid provisions
51 had not been included herein.

52 § 4. This act shall take effect on the two hundred seventieth day
53 after it shall have become a law.