

STATE OF NEW YORK

10722

IN ASSEMBLY

July 1, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Frontus) --
read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting employers from asking job applicants about salary expectations and allowing job applicants to request the wage scale and included benefits for the position they are applying for

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

Section 1. The labor law is amended by adding three new sections 194-b, 194-c and 194-d to read as follows:

§ 194-b. Salary expectation inquiries prohibited. 1. No employer shall:

a. rely on the salary expectations of an applicant in determining whether to offer employment to such individual or in determining the wages or salary for such individual.

b. orally or in writing seek, request, or require an applicant or current employee to disclose salary expectations as a condition to be interviewed, or as a condition of continuing to be considered for an offer of employment, or as a condition of employment or promotion.

c. refuse to interview, hire, promote, otherwise employ, or otherwise retaliate against an applicant or current employee based upon stated salary expectations.

d. refuse to interview, hire, promote, otherwise employ, or otherwise retaliate against an applicant or current employee because such applicant or current employee did not provide salary expectations in accordance with this section.

e. refuse to interview, hire, promote, otherwise employ, or otherwise retaliate against an applicant or current or former employee because the applicant or current or former employee filed a complaint with the department alleging a violation of this section.

2. Nothing in this section shall prevent an applicant or current employee from voluntarily, and without prompting, disclosing or verifying salary expectations, including but not limited to for the purposes of negotiating wages or salary.

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

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1 3. An employer may confirm salary expectations only if at the time an
2 offer of employment with compensation is made, the applicant or current
3 employee responds to the offer by providing salary expectations to
4 support a wage or salary higher than offered by the employer.

5 4. For the purposes of this section, "employer" shall include but not
6 be limited to any person, corporation, limited liability company, asso-
7 ciation, labor organization, or entity employing any individual in any
8 occupation, industry, trade, business or service, or any agent thereof.
9 For the purposes of this section, the term "employer" shall also include
10 the state, any political subdivision thereof, any public authority or
11 any other governmental entity or instrumentality thereof, and any
12 person, corporation, limited liability company, association or entity
13 acting as an employment agent, recruiter, or otherwise connecting appli-
14 cants with employers.

15 5. 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 on behalf of such appli-
18 cant, employee, or other persons similarly situated in any court of
19 competent jurisdiction. The court may award injunctive relief as well as
20 reasonable attorneys' fees to a plaintiff who prevails in a civil action
21 brought under this section.

22 6. Nothing in this section shall be deemed to diminish the rights,
23 privileges, or remedies of any applicant or current or former employee
24 under any other law or regulation or under any collective bargaining
25 agreement or employment contract.

26 7. This section shall not supersede any federal, state or local law
27 enacted prior to the effective date of this section that requires the
28 disclosure or verification of salary history information to determine an
29 employee's compensation.

30 8. The department shall conduct a public awareness outreach campaign,
31 which shall include making information available on its website, and
32 otherwise informing employers of the provisions of this section.

33 § 194-c. Job postings to include salary range or wage scale. 1. An
34 employer shall include in any job posting it makes available to an
35 applicant information regarding the applicable wage scale or salary
36 range for such position.

37 2. Any current employee who is offered an internal transfer or
38 promotion with their current employer shall have the right to request
39 and be provided with the wage scale or salary range for such employee's
40 prospective new position.

41 § 194-d. Applicant request for benefit information. An applicant shall
42 be permitted to request and shall be provided with information regarding
43 employment benefits to be included with a job that an applicant is
44 applying for with a prospective or current employer.

45 § 2. This act shall take effect on the ninetieth day after it shall
46 have become a law.