STATE OF NEW YORK

5598--B

2021-2022 Regular Sessions

IN SENATE

March 11, 2021

Introduced by Sens. RAMOS, BIAGGI, BROUK, JACKSON, MAYER, SANDERS, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

(iii) a general description of all benefits and other forms of compensation to be offered.

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

2. No employer shall refuse to interview, hire, promote, employ or otherwise retaliate against an applicant or current employee for exercising any rights under this section.

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

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3. The commissioner may promulgate rules and regulations to effectuate the provisions of this section.

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

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

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

6. An employer shall keep and maintain necessary records to comply with the requirements of this section including, but not limited to, the history of compensation ranges for each employment opportunity and the job descriptions for such positions, if such descriptions exist.

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

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

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

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

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

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