

STATE OF NEW YORK

9427--A

IN SENATE

May 26, 2022

Introduced by Sen. RAMOS -- 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

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. No employer, employment agency, employee, or agent there-
5 of shall advertise a job, promotion, or transfer opportunity that can or
6 will be performed, at least in part, in the state of New York, without
7 disclosing the following:

8 (i) the compensation or a range of compensation for such job,
9 promotion, or transfer opportunity; and

10 (ii) the job description for such job, promotion, or transfer opportu-
11 nity, if such description exists.

12 b. Advertisements for jobs, promotions, or transfer opportunities paid
13 solely on commission shall maintain compliance with subparagraph (i) of
14 paragraph a of this subdivision by disclosing in writing in a general
15 statement that compensation shall be based on commission.

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

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

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

24 5. a. Any person claiming to be aggrieved by a violation of this
25 section may file with the commissioner a complaint regarding such

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

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1 alleged violation for an investigation of such complaint and statement
2 setting the appropriate remedy, if any, pursuant to the provisions of
3 section one hundred ninety-six-a of this article.

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

8 6. An employer shall keep and maintain necessary records to comply
9 with the requirements of this section including, but not limited to, the
10 history of compensation ranges for each job, promotion, or transfer
11 opportunity and the job descriptions for such positions, if such
12 descriptions exist.

13 7. 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.

19 b. "employer" shall mean:

20 (i) any person, corporation, limited liability company, association,
21 labor organization or entity employing four or more employees in any
22 occupation, industry, trade, business or service, or any agent thereof;
23 and

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

29 8. The provisions of this section shall not be construed or interpret-
30 ed to supersede or preempt any provisions of local law, rules, or regu-
31 lations.

32 § 2. This act shall take effect on the two hundred seventieth day
33 after it shall have become a law.