

STATE OF NEW YORK

1604

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, the executive law, the general business law and the labor law, in relation to advertising employment opportunities

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

1 Section 1. Subdivisions 6-a and 7 of section 6 of the civil service
2 law, subdivision 6-a as added by chapter 139 of the laws of 1992, subdivi-
3 sion 7 as added by chapter 790 of the laws of 1958 and as renumbered
4 by chapter 45 of the laws of 1961, are amended to read as follows:

5 6-a. Submit a report on or before January thirty-first of each year,
6 to the governor and the legislature, and to the public by inclusion on
7 the department's website, which shall include, but not be limited to,
8 information detailing the total number of appeals received from determi-
9 nations made based upon written and oral examinations, performance tests
10 and ratings of training and experience, during the preceding twelve
11 months, and the final disposition or dispositions of each appeal[-];

12 7. Prescribe rules for the advertisement of employment opportunities
13 to effectuate the intent of section one hundred fifty-nine-c of this
14 chapter; and

15 8. Meet in Albany at least once in each calendar month, except the
16 month of August, and hold such other meetings at such places within the
17 state as the needs of the public service may require. A majority of the
18 members of the commission shall constitute a quorum.

19 § 2. The civil service law is amended by adding a new section 159-c to
20 read as follows:

21 § 159-c. Advertising employment opportunities. Notwithstanding any
22 provision of law to the contrary, every employment opportunity adver-
23 tised by the state, a public authority, or a municipal employer shall
24 include the salary range and starting salary for the position; provided,

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

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1 however that if the terms and conditions of a collectively bargained
2 agreement is in conflict with this section, the collectively bargained
3 agreement shall supersede this section.

4 § 3. The executive law is amended by adding a new section 655 to read
5 as follows:

6 § 655. Posting of employment opportunities. Every employment opportu-
7 nity submitted for inclusion in the state jobs employment database that
8 is made available to the public and maintained in whole or in part by
9 the office of employee relations shall include the starting salary and
10 salary range for the position.

11 § 4. Subdivision 1 of section 350-a of the general business law, as
12 amended by chapter 615 of the laws of 1988, is amended to read as
13 follows:

14 1. The term "false advertising" means advertising, including labeling,
15 of a commodity, or of the kind, character, terms or conditions of any
16 employment opportunity if such advertising is misleading in a material
17 respect. In determining whether any advertising is misleading, there
18 shall be taken into account (among other things) not only representa-
19 tions made by statement, word, design, device, sound or any combination
20 thereof, but also the extent to which the advertising fails to reveal
21 facts material in the light of such representations with respect to the
22 commodity or employment to which the advertising relates under the
23 conditions prescribed in said advertisement, or under such conditions as
24 are customary or usual. For purposes of this article, with respect to
25 the advertising of an employment opportunity, it shall be deemed
26 "misleading in a material respect" to [~~either~~] fail to reveal (a) wheth-
27 er the employment available or being offered requires or is conditioned
28 upon the purchasing or leasing of supplies, material, equipment or other
29 property [~~or~~], (b) whether such employment is on a commission rather
30 than a fixed salary basis and, if so, whether the salaries advertised
31 are only obtainable if sufficient commissions are earned, or (c) the
32 starting salary and salary range for the position.

33 § 5. The labor law is amended by adding a new section 219-d to read as
34 follows:

35 § 219-d. Advertising employment opportunities. Notwithstanding any
36 provision of law to the contrary, every employment opportunity adver-
37 tised by the state, a public authority, or a municipal employer shall
38 include the salary range and starting salary for the position; provided,
39 however that if the terms and conditions of a collectively bargained
40 agreement is in conflict with this section, the collectively bargained
41 agreement shall supersede this section.

42 § 6. The labor law is amended by adding a new section 920 to read as
43 follows:

44 § 920. Advertising employment opportunities. A professional employer
45 organization and a temporary help firm that advertise employment oppor-
46 tunities shall include the starting salary and salary range for each
47 advertised position.

48 § 7. This act shall take effect on the thirtieth day after it shall
49 have become a law.