

STATE OF NEW YORK

5598

2021-2022 Regular Sessions

IN SENATE

March 11, 2021

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

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. Upon issuing an employment opportunity for internal or public
5 viewing an employer shall disclose in writing or electronically: the
6 compensation or a range of compensation; the job description for the
7 position, if one exists; and a general description of all of the bene-
8 fits and other forms of compensation to be offered. An employer shall
9 also provide an employee the range of compensation in place at the time
10 of request and job description, if one exists, for the employee's
11 current position at the time of hire and upon the employee's request,
12 but no more frequently than once per year.

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

16 3. The department shall have the power to administer, carry out, and
17 enforce all the provisions of this section and may promulgate rules and
18 regulations for such purpose. The department shall conduct a public
19 awareness outreach campaign which shall include making information
20 available on its website and otherwise informing employers of the
21 provisions of this section.

22 4. The department shall create a complaint mechanism whereby any
23 person who believes a violation of this section has occurred can report
24 such violation in writing to the department, which shall have the

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

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1 authority to investigate such reported violations. An employer who fails
2 to comply with any requirement of this section or any rule or regulation
3 published thereunder shall be deemed in violation of this section and
4 shall be subject to a civil penalty in accordance with section two
5 hundred eighteen of this chapter. The department shall also have the
6 authority to bring an action to collect damages, civil penalties, and
7 equitable relief.

8 5. An applicant or current or former employee aggrieved by a violation
9 of this section may bring a civil action for compensation for any
10 damages sustained as a result of such violation in any court of compe-
11 tent jurisdiction. The court may award injunctive relief, any damages
12 incurred, punitive damages, other equitable relief as may be appropri-
13 ate, and the costs of the action and reasonable attorney's fees. All
14 claims filed under this section shall be filed within three years from
15 the date of the violation.

16 6. An employer shall keep and maintain necessary records to comply
17 with this section, including history of compensation ranges for each
18 employment opportunity and job descriptions, if they exist.

19 7. a. For the purposes of this section, "range of compensation" means
20 the range that the employer actually relied on in setting compensation
21 for the position and may be based on, including but not limited to, any
22 applicable pay scale or compensation model relied upon by the employer
23 or the actual range of compensation for those currently holding the
24 position.

25 b. For the purposes of this section, "employer" shall include, but not
26 be limited to, any person, corporation, limited liability company, asso-
27 ciation, labor organization, or entity employing an individual in any
28 occupation, industry, trade, business or service, or any agent thereof;
29 any person, corporation, limited liability company, association or enti-
30 ty acting as an employment agent, recruiter, or otherwise connecting
31 applicants with employers.

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