

STATE OF NEW YORK

5598--A

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 -- 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. Upon issuing an employment opportunity for internal or
5 public viewing an employer shall disclose the following in writing or
6 electronically:

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

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

11 (iii) a general description of all benefits and other forms of compen-
12 sation to be offered.

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

18 2. No employer shall refuse to interview, hire, promote, employ or
19 otherwise retaliate against an applicant or current employee for exer-
20 cising 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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1 3. The department has the power to administer, carry out and enforce
2 all provisions of this section and may promulgate rules and regulations
3 to effectuate the purposes of this section.

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

7 5. The department shall establish and maintain a complaint procedure
8 pursuant to which any person who believes a violation of this section
9 has occurred, is occurring or is about to occur, may file a complaint.

10 a. Any such complaint shall be made in writing to the department,
11 which shall have the authority to investigate such reported violations
12 and to bring a subsequent action to collect damages, civil penalties and
13 equitable relief.

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

18 c. An applicant or current or former employee aggrieved by a violation
19 of this section may bring a civil action for compensation for any
20 damages sustained as a result of such violation in any court of compe-
21 tent jurisdiction. The court may award injunctive relief, any actual
22 damages incurred, punitive damages, other equitable relief as may be
23 appropriate and reasonable attorneys' fee and costs. All claims filed
24 under this section shall be filed within three years from the date of
25 the violation.

26 6. An employer shall keep and maintain necessary records to comply
27 with this section including, but not limited to, the history of compen-
28 sation ranges for each employment opportunity and the job descriptions
29 for such positions, if such descriptions exist.

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

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

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

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

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

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