

STATE OF NEW YORK

5598--C

2021-2022 Regular Sessions

IN SENATE

March 11, 2021

Introduced by Sens. RAMOS, BIAGGI, BROUK, COONEY, JACKSON, KRUEGER, MAYER, MYRIE, RIVERA, SALAZAR, SANDERS, SAVINO, THOMAS -- 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 -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- 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. An advertisement for an employment opportunity to be
5 performed for an employer at least in part in the state of New York
6 shall disclose the following in writing:

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

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

11 (iii) a general description of other forms of compensation to be
12 offered if applicable, including but not limited to fringe benefits.

13 b. Advertisements for employment opportunities paid solely on commis-
14 sion shall maintain compliance with subparagraph (i) of paragraph a of
15 this subdivision by disclosing in writing in a general statement that
16 compensation shall be based on commission.

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

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1 c. An employer shall provide a current employee with the range of
2 compensation and the job description for the employee's current position
3 at the time of hire, upon the employee's request, if such range of
4 compensation or job description existed at such employee's time of hire.

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

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

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

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

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

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

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

28 a. "employment opportunity" shall mean an available job, promotion, or
29 transfer opportunity.

30 b. "advertisement" shall mean a written description of an available
31 employment opportunity that is publicized to a pool of potential appli-
32 cants for internal or public viewing, including electronically.

33 c. "range of compensation" shall mean the minimum and maximum annual
34 salary or hourly range of compensation for an employment opportunity
35 that the employer in good faith believes to be accurate at the time of
36 the posting of an advertisement for such employment opportunity.

37 d. "employer" shall mean:

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

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

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