STATE OF NEW YORK

769

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting discrimination based upon wage and benefit history

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

Section 1. Section 194 of the labor law is amended by adding a new subdivision 5 to read as follows:

5. No employer shall:

(a) require, as a condition of employment, that an employee refrain from inquiring about, discussing or disclosing information about either the employee's own wages, including benefits or other compensation, or about any other employee's wages;

(b) screen job applicants based on their wage, including benefits or other compensation or salary histories, including by requiring that an applicant's prior wages, including benefits or other compensation or salary history satisfy minimum or maximum criteria; or request or require as a condition of being interviewed, or as a condition of continuing to be considered for an offer of employment, that an applicant disclose prior wages or salary history;

(c) seek the salary history of any prospective employee from any current or former employer; provided, however, that a prospective employee may provide written authorization to a prospective employer to confirm prior wages, including benefits or other compensation or salary history only after any offer of employment with compensation has been made to the prospective employee;

(d) discharge or in any other manner retaliate against any employee because the employee:

(i) opposed any act or practice made unlawful by this section;

(ii) made or is about to make a complaint or has caused or is about to cause to be instituted any proceeding under this section;

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

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(iii) testified or is about to testify, assist or participate in any manner in an investigation or proceeding under this section; or

(iv) disclosed the employee's wages, benefits or other compensation or has inquired about or discussed the wages of any other employee; or

(e) contract with an employee to avoid complying with this subdivision, or by any other means exempt itself from this subdivision; provided, however, that an employer may prohibit a human resources employee, or any other employee whose job responsibilities require access to other employees' compensation information, from disclosing such information without prior written consent from the employee whose information is sought or requested, unless the compensation information is public.

§ 2. This act shall take effect immediately.