

# STATE OF NEW YORK

5906

2025-2026 Regular Sessions

## IN ASSEMBLY

February 24, 2025

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

AN ACT to amend the labor law, in relation to requiring employers to disclose information about benefits and other compensation, including bonuses, stock options, and commissions

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

1 Section 1. This act shall be known and may be cited as the "benefit  
2 transparency act".

3 § 2. Section 194-b of the labor law, as amended by chapter 94 of the  
4 laws of 2023, is amended to read as follows:

5 § 194-b. Mandatory disclosure of position description, non-wage  
6 compensation [~~or range of compensation~~], and benefits. 1. a. No employ-  
7 er, employment agency, employee, or agent thereof shall advertise a job,  
8 promotion, or transfer opportunity that will physically be performed, at  
9 least in part, in the state of New York, including a job, promotion, or  
10 transfer opportunity that will physically be performed outside of New  
11 York but reports to a supervisor, office, or other work site in New York  
12 without disclosing the following:

13 (i) the compensation or a range of compensation for such job,  
14 promotion, or transfer opportunity; [~~and~~]

15 (ii) any non-salary or non-wage: (1) forms of compensation for which  
16 the position may be eligible, including bonuses, stocks, bonds, options,  
17 and equity or ownership; and (2) benefits that an employee may be eligi-  
18 ble to receive, including health insurance benefits, paid time off, paid  
19 disability insurance, and paid family leave;

20 (iii) the job description for such job, promotion, or transfer oppor-  
21 tunity[~~, if such description exists~~]; and

22 (iv) a general description of all benefits and other compensation,  
23 including, but not limited to, bonuses, stock options, health insurance,

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

LBD02156-02-5

1 or other incentives the employer reasonably expects in good faith to  
2 offer for such job, promotion, or transfer opportunity.

3 b. If an employer offers a base salary outside the advertised range,  
4 the employer shall retain a written record listing the reasons for  
5 offering a salary outside the advertised range for no less than three  
6 years after the date the position is filled.

7 c. An employer, employment agency, employee, or agent thereof adver-  
8 tising for a job, promotion, or transfer opportunity paid solely on  
9 commission shall maintain compliance with subparagraph (i) of paragraph  
10 a of this subdivision by disclosing a general statement that compen-  
11 sation shall be based on commission.

12 d. An employment agency, employer, or employee or agent thereof shall  
13 disclose to current employees upon request, but no more frequently than  
14 annually, the current range of compensation, including base salary and  
15 other forms of monetary and non-monetary compensation for such employ-  
16 ee's current job title and any other positions requiring equal or  
17 substantially similar skill, effort, and responsibility that are  
18 performed under similar working conditions. For any other non-monetary  
19 compensation, the range shall be calculated using the units of such  
20 non-monetary compensation.

21 e. An employment agency, employer, or employee or agent thereof who  
22 does not issue an advertisement for a job, promotion, or transfer oppor-  
23 tunity shall disclose the minimum and maximum salary or hourly wage,  
24 non-wage compensation, and benefits which may be offered for such posi-  
25 tion upon the request of any prospective candidate at any point during  
26 the hiring process.

27 f. Within five business days of making an offer of employment for a  
28 job, promotion, or transfer opportunity that will physically be  
29 performed, at least in part, in the state of New York, an employer shall  
30 provide the offeree with information related to current benefit plans  
31 that such offeree would be eligible for if such offeree were to imme-  
32 diately commence employment, if such offeree is eligible for any benefit  
33 plans through the employer or through a union, including:

34 (i) the identity of any available insurance plans;

35 (ii) premium costs attributable to the employee in a specified pay  
36 period;

37 (iii) annual deductibles;

38 (iv) coinsurance;

39 (v) copayments;

40 (vi) annual or lifetime caps on benefits;

41 (vii) coverage of preventive services;

42 (viii) coverage for prenatal and reproductive health care;

43 (ix) coverage of existing and new drugs;

44 (x) coverage for medical tests, devices, and procedures;

45 (xi) a link to search for in-network providers, if available; and

46 (xii) out-of-network coverage provisions.

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

50 3. The commissioner shall promulgate rules and regulations to effectu-  
51 ate the provisions of this section.

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

55 5. a. Any person claiming to be aggrieved by a violation of this  
56 section may file with the commissioner a complaint regarding such

1 alleged violation for an investigation of such complaint and statement  
2 setting the appropriate remedy, if any, pursuant to the provisions of  
3 section one hundred ninety-six-a of this article.

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

8 6. For the purposes of this section the following terms shall have the  
9 following meanings:

10 a. "range of compensation" shall mean the minimum and maximum annual  
11 salary or hourly range of compensation for a job, promotion, or transfer  
12 opportunity that the employer in good faith believes to be accurate at  
13 the time of the posting of an advertisement for such opportunity based  
14 on factors such as relevant qualifications, the budgeted amount avail-  
15 able for the position, applicable pay scale or compensation model relied  
16 upon by the employer, the actual range of compensation for those  
17 currently holding the position or equivalent positions, or other opera-  
18 tional considerations.

19 b. "employer" shall mean:

20 (i) any person, corporation, limited liability company, association,  
21 labor organization or entity employing four or more employees in any  
22 occupation, industry, trade, business or service, or any agent thereof;  
23 and

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

29 c. "advertise" shall mean to make available to a pool of potential  
30 applicants for internal or public viewing, including electronically, a  
31 written description of an employment opportunity.

32 d. "offeree" shall mean any individual with a pending offer of employ-  
33 ment for a job, promotion, or transfer opportunity.

34 7. The provisions of this section shall not be construed or interpret-  
35 ed to supersede or preempt any provisions of local law, rules, or regu-  
36 lations.

37 § 3. Severability. If any clause, sentence, paragraph, subdivision,  
38 section or part of this act shall be adjudged by any court of competent  
39 jurisdiction to be invalid, such judgment shall not affect, impair, or  
40 invalidate the remainder thereof, but shall be confined in its operation  
41 to the clause, sentence, paragraph, subdivision, section or part thereof  
42 directly involved in the controversy in which such judgment shall have  
43 been rendered. It is hereby declared to be the intent of the legislature  
44 that this act would have been enacted even if such invalid provisions  
45 had not been included herein.

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