STATE OF NEW YORK

5906--C

Cal. No. 148

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. BORES, SHIMSKY, GONZALEZ-ROJAS, SEAWRIGHT, BURROUGHS, McDONOUGH, KASSAY, STECK, SIMONE, REYES, HEVESI, TAYLOR, ZINERMAN, RAMOS, LEVENBERG, COLTON, DeSTEFANO, JACOBSON, SIMON, SANTABARBARA -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

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

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

§ 194-b. Mandatory disclosure of compensation or range of compensation**, other compensation, benefits, and position description**. 1. a. No employer, employment agency, employee, or agent thereof shall advertise a job, promotion, or transfer opportunity that will physically be performed, at least in part, in the state of New York, including a job, promotion, or transfer opportunity that will physically be performed outside of New York but reports to a supervisor, office, or other work site in New York without disclosing the following:

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

(ii) **any other forms of compensation not required to be disclosed in subparagraph (i) of this paragraph for which the position may be eligible, including bonuses, stocks, bonds, options, and equity or ownership;**

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

LBD02156-08-6

(iii) a general description of all benefits that an employer reasonably expects in good faith to offer for such job, promotion or transfer opportunity, including health insurance benefits, paid time off, paid disability insurance, and paid family leave; and

(iv) the job description for such job, promotion, or transfer opportunity[~~, if such description exists~~].

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

c. An employer, employment agency, employee, or agent thereof advertising for a job, promotion, or transfer opportunity paid solely on commission shall maintain compliance with subparagraph (i) of paragraph a of this subdivision by disclosing a general statement that compensation shall be based on commission.

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

e. An employment agency, employer, or employee or agent thereof who does not issue an advertisement for a job, promotion, or transfer opportunity shall disclose the minimum and maximum wages, including base compensation, non-wage compensation, and benefits which may be offered for such position upon the request of any prospective candidate at any point during the hiring process.

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

(i) the identity of any available insurance plans;

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

(iii) annual deductibles;

(iv) coinsurance;

(v) copayments;

(vi) annual or lifetime caps on benefits;

(vii) coverage of preventive services;

(viii) coverage for prenatal and reproductive health care;

(ix) coverage of existing and new drugs;

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

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

(xii) out-of-network coverage provisions.

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

3. The commissioner shall promulgate rules and regulations to effectuate the provisions of this section.

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

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

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

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

a. "range of compensation" shall mean the minimum and maximum annual salary or hourly range of compensation for a job, promotion, or transfer opportunity that the employer in good faith believes to be accurate at the time of the posting of an advertisement for such opportunity **based on factors such as relevant qualifications, the budgeted amount available for the position, applicable pay scale or compensation model relied upon by the employer, the actual range of compensation for those currently holding the position or equivalent positions, or other operational considerations**.

b. "employer" shall mean:

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

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

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

d. "offeree" shall mean any individual with a pending offer of employment for a job, promotion, or transfer opportunity.

7. The provisions of this section shall not be construed or interpreted to supersede or preempt any provisions of local law, rules, or regulations**, or to narrow in any way the scope of the definition of wages in subdivision one of section one hundred ninety of this article**.

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

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