

updated May 3, 2022

Law Requires New York City Employers to Disclose Salary Information in Job Postings

EFFECTIVE DATE DELAYED TO NOVEMBER 1, 2022

Nonprofits that operate in New York City will be required to include compensation information in their job postings. However, since our original alert in February, the City Council has made clarifying amendments, which the Mayor is expected to sign. The law, initially slated to take effect on May 15, 2022, is expected to take effect on November 1, 2022. The law makes it an unlawful discriminatory practice for job listings in New York City to omit the minimum and maximum salary or wage. The legislation, introduced by the New York City Council Committee on Civil and Human Rights, was passed in part to increase wage transparency and promote wage equity for historically lower compensated groups.

Employers with four or more employees¹ will be required to provide a minimum and maximum salary or wage for all job listings, including for new hires, promotions, or transfer opportunities, and for salaried, exempt and hourly non-exempt positions. Employers should make a “good faith” determination of the salary range at the time of posting. The law applies to all positions that can or will, at least in part, be performed in New York City.

Organizations that fail to comply with the law may face fines of up to \$125,000 or other civil penalties. However, the law as amended allows employers to avoid a civil penalty if it provides the NYC Commission on Human Rights (“Commission”) with notice that the violation has been cured within 30 days after receiving a complaint from the Commission. The Commission is expected to update its recently issued guidance in light of the amended law.

Other jurisdictions, including California, Colorado, and Maryland, have enacted other wage transparency laws that impose similar or related obligations on organizations operating in those states. Nonprofit organizations that operate in other states should ensure they are up-to-date on the latest rules and regulations of the jurisdiction.

This alert is meant to provide general information only, not legal advice. If you have any questions about this alert please contact Judith Moldover at jmoldover@lawyersalliance.org or visit our website at www.lawyersalliance.org for further information. To become a client, visit www.lawyersalliance.org/becoming-a-client.

¹ Employers should include independent contractors who work in furtherance of the employer’s business enterprise in determining if the law applies.

Lawyers Alliance for New York is the leading provider of business and transactional legal services for nonprofit organizations and social enterprises that are improving the quality of life in New York City neighborhoods. Our network of pro bono lawyers from law firms and corporations and staff of experienced attorneys collaborate to deliver expert corporate, tax, real estate, employment, intellectual property, and other legal services to community organizations. By connecting lawyers, nonprofits, and communities, Lawyers Alliance for New York helps nonprofits to provide housing, stimulate economic opportunity, improve urban health and education, promote community arts, and operate and advocate for vital programs that benefit low-income New Yorkers of all ages.