

New York City Salary Law

On December 15, 2021, the New York City Council passed a bill requiring NYC employers to include minimum and maximum salary information in job postings for any positions located within New York City. The bill became law on January 15, 2022 after Mayor Eric Adams took no action on it. The law is set to go into effect on May 15, 2022.

The law makes it an “unlawful discriminatory practice” for a covered employer to advertise a job, promotion, or transfer opportunity without including the minimum and maximum salary for the position in the job posting or advertisement. Covered employers include NYC employers with four or more employees. Included in the four employees are: (i) independent contractors working in furtherance of an employer’s business enterprise and (ii) the employer’s parent, spouse, domestic partner, or child, if employed by the employer. The law covers external job advertisements as well as internal advertisements for promotions and transfers. In stating the minimum and maximum salary range for the position, the range must extend from the lowest to the highest salary that the employer, “in good faith believes at the time of the posting it would pay for the advertised job, promotion or transfer opportunity.”

The law does not apply to job postings for temporary employment listed by temporary help firms, because such firms are required to provide wage range information pursuant to the New York State Wage Theft Prevention Act.

We expect the New York City Commission on Human Rights to issue interpretive guidance on the new law, and will provide subsequent updates once more information becomes available. Questions that the guidance may address include: what constitutes a “good faith basis” for an employer’s stated salary range; whether the minimum and maximum salary range estimates must include discretionary bonus amounts; whether a salary range must be provided before offering an existing employee a promotion when the position is not open to others; and whether this law would apply to a City employer’s job posting for a remote position that the employer anticipates will be filled by an applicant who does not live, and therefore would not work, in New York City.

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

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