New York City Council Proposes Amendment to Pay Transparency Law

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On March 24, 2022, New York City Council members Nantasha M. Williams and Justin L. Brannan introduced Int. 134, a bill that would alter New York City’s impending pay transparency law. As we previously reported, beginning on May 15, 2022, all New York City employers must state the minimum and maximum salary associated with an advertised “job, promotion, or transfer opportunity,” both internally and externally (the “NYC Pay Transparency Law” or the “Law”). Int. 134 proposes certain alterations and clarifications to the NYC Pay Transparency Law that may affect employers’ compliance measures.

First, although the NYC Pay Transparency Law states that employers must include a position’s “minimum and maximum salary” in an advertisement, Int. 134 clarifies that the Law applies equally to hourly and salaried positions. Int. 134 also carves certain advertisements out of the NYC Pay Transparency Law’s reach. Importantly, Int. 134 states that the Law would not apply to advertisements for positions that are not required to be performed in New York City, meaning that advertisements for remote positions or advertisements posted by New York City-based employers for
roles in other locations would not need to include compensation information. Int. 134 would also exempt advertisements that simply state that an employer is hiring, without specifying a position, from coverage. Finally, Int. 134 would move the NYC Pay Transparency Law’s effective date from May 15, 2022 to November 1, 2022, giving employers additional time to plan to comply.

Int. 134 will now be considered by the full New York City Council, and would take effect immediately if approved. We will continue to monitor any new developments and provide updates as they become available.

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