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Department
of Labor

PAY TRANSPARENCY LAW

for Employees/Applicants

New York State's Pay Transparency Law (New York State Labor Law Section 194-b) requires employers with four (4) or more employees to include a range of pay for all advertised job, promotion, or transfer opportunities. This fact sheet is intended to help employees and job seekers understand their rights under the new law.

EMPLOYER JOB POSTING REQUIREMENTS

- Employers with 4 or more employees are required to provide a range of pay for all advertised job, promotion, or transfer opportunities that will be physically performed, at least in part, in New York State, as well as opportunities performed outside the state that report to a supervisor or office in New York State, including remote or telecommuting opportunities.
- This law applies to all advertisements, including but not limited to: a newspaper advertisement, a printed flyer that is either distributed or displayed, a social media post, an e-mail sent to a pool of more than one applicant, an e-mail sent through an electronic mailing list, or an advertisement published through any other medium. This includes postings through a third-party on the employer's behalf, for example, postings through a job recruiter or job-listing website.
- The pay range posted must be the minimum and maximum annual salary, or hourly rate the employer believes, in good faith, they are willing to pay the successful applicant or employee at the time of the advertisement's posting. Employers are permitted to update this range of pay based on information they collect during the hiring process. For instance, they may increase the range of pay if they find they are not attracting applicants.
- The advertised range of pay must be for a single opportunity and single location or region. If a posting includes multiple possible locations or multiple opportunities at different levels of seniority, a separate range of pay must be posted for each location or opportunity.

- Employers are prohibited from including other forms of compensation or benefits, such as tips, employer provided health insurance, retirement plans, or vacation time within the range of pay. This information may be listed in addition to and separately from the pay range.
- If compensation for an opportunity is completely commission based, employers must state that clearly when advertising the opportunity.
- All advertised opportunities are required to include a job description in addition to a range of pay, except when the job title clearly conveys the duties for the job. For example, an employer advertising an opportunity for a dishwasher, who will only be washing dishes, does not have to disclose a more detailed job description.
- Under this law, employers are prohibited from retaliating against employees who discuss their compensation with coworkers.

FILING A COMPLAINT

- Any current, prospective, or potential employee or applicant who claims to have experienced a violation of this law can file a complaint with New York State Department of Labor. An organization acting on behalf of a current, prospective, or potential employee, or the recognized collective bargaining agent may also file a complaint.
- Anyone who wishes to file a complaint or report a violation of New York State's Pay Transparency Law should contact the New York State Department of Labor's Division of Labor Standards. The Division of Labor Standards can be reached by phone at **1-888-52-LABOR**, by email at LSAsk@labor.ny.gov, or by visiting the nearest labor standards office. A list of our offices is available at dol.ny.gov/location/contact-division-labor-standards.

- If you feel you have been subject to discrimination in the hiring process, you can file a complaint with the NYS Division of Human Rights by an online form available at dhr.ny.gov/complaint.
- Any job, promotion or transfer opportunity that will be performed in New York City may also be covered by New York City's Pay Transparency Law. Any complaint regarding a New York City based opportunity may still be addressed to the New York State Department of Labor. You can also report potential violations to the New York City Commission on Human Rights through an online form available at nyc.gov/site/cchr/about/report-discrimination.page.