



Legislation Text

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Int. No. 134-A

By Council Members Williams, Brannan, Farías, Abreu, Richardson Jordan, Brewer, Brooks-Powers and Narcisse

A Local Law to amend the administrative code of the city of New York, in relation to the employers required to post minimum and maximum salary information

Be it enacted by the Council as follows:

Section 1. Subdivision 32 of section 8-107 of the administrative code of the city of New York, as added by local law 32 for the year 2022, is amended to read as follows:

32. Employment; minimum and maximum salary in job listings. a. It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof to advertise a job, promotion or transfer opportunity without stating the minimum and maximum annual salary or hourly wage for such position in such advertisement. In stating the minimum and maximum annual salary or hourly wage for a position, the range may extend from the lowest to the highest annual salary or hourly wage the employer in good faith believes at the time of the posting it would pay for the advertised job, promotion or transfer opportunity.

b. This subdivision does not apply to:

(1) A job advertisement for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the labor law[.]; and

(2) Positions that cannot or will not be performed, at least in part, in the city of New York.

c. No person shall have a cause of action pursuant to section 8-502 for an alleged violation of this subdivision, except that an employee may bring such an action against their current employer for an alleged

violation of this subdivision in relation to an advertisement by their employer for a job, promotion or transfer opportunity with such employer.

d. Notwithstanding the penalties outlined in section 8-126, an employment agency, employer, or employee or agent thereof shall be subject to a civil penalty of \$0 for a first violation of this subdivision, or any rule promulgated thereunder, if such employment agency, employer, employee or agent thereof proves to the satisfaction of the commission, within 30 days of the service of a copy of the applicable complaint pursuant to section 8-109, that the violation of this subdivision has been cured. The submission of proof of a cure, if accepted by the commission as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any service of a copy of an applicable complaint pursuant to section 8-109 to an employment agency, employer, or employee or agent thereof for the violation of this subdivision, or any rule promulgated thereunder, for the first time. The commission shall permit such proof to be submitted electronically or in person. An employment agency, employer, or employee or agent thereunder may seek review with the commission of the determination that proof of a cure has not been submitted within 15 days of receiving written notice of such determination.

§ 2. Section 3 of local law 32 for the year 2022 is amended to read as follows: This local law takes effect [120 days after it becomes law] on November 1, 2022, except that the commission may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

§ 3. Section 1 of this local law takes effect on the same date as local law 32 for the year 2022. Section 2 of this local law takes effect immediately.