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Int. No. 114

By Council Members Brooks-Powers, Farías, Cabán, Marte, Lee, Louis, Thomas-Henry, Aldebol, P. Sanchez, Nurse, Hudson, Hanif and Stevens

A Local Law to amend the administrative code of the city of New York, in relation to information required in job listings

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York is amended by adding new definitions of "employer provided benefits" and "non-salary or non-wage compensation" in alphabetical order to read as follows:

Employer provided benefits. The term "employer provided benefits" means health insurance benefits, dental insurance benefits, retirement benefits, paid time off, paid disability insurance and paid family leave.

Non-salary or non-wage compensation. The term "non-salary or non-wage compensation" means bonuses, commissions, stocks, bonds, options, profit sharing, and equity or ownership.

§ 2. Subdivision 32 of section 8-107 of the administrative code of the city of New York, as amended by local law 59 for the year 2022, is amended to read as follows:

32. Employment; minimum and maximum salary in job listings; job description; employer provided benefits; and non-salary or non-wage compensation. 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 based on factors such as relevant qualifications, the budgeted amount available for the position, applicable pay scale or compensation model relied upon by the employer, the actual range of compensation for those currently holding the position or equivalent positions, or other operational considerations.

b. 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 providing within such advertisement: (i) a description of the job, promotion, or transfer opportunity, where such description exists; (ii) any non-salary or non-wage compensation for which the employer in good faith believes at the time of the posting the employee may be eligible within one year; and (iii) employer provided benefits that the employer in good faith believes at the time of the posting the employee may be eligible to receive within one year.

c. It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof to fail to disclose to current employees upon request, the current range of compensation for such employee's current job position, including annual salary or hourly wage and non-salary or non-wage compensation. An employee requesting information regarding compensation pursuant to this subdivision shall be entitled to such disclosure no more than once each calendar year. For non-cash compensation the range shall be calculated using the units of such non-cash compensation. Where such non-cash compensation is not calculated in individual units or where the value of such non-cash compensation is not fixed at the time of disclosure, an employer shall disclose the type of such non-cash compensation but need not disclose a specific range.

d. It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof to fail to disclose the minimum and maximum annual salary or hourly wage, a description of the job, promotion, or transfer opportunity, where such description exists, employer provided benefits, and non-salary or non-wage compensation, which may be offered for an open job, promotion, or transfer opportunity for which it does not issue an advertisement, upon the request of any applicant at any point during the hiring

process.

e. If an employment agency, employer, or employee or agent thereof offers an annual salary or hourly wage outside the advertised range, the employer shall retain a written record listing the reasons for offering a salary outside the advertised range for a period of 2 years after the date the position is filled.

f. 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] g. 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 if the current employer employs 30 or more employees 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.]

§ 3. This local law takes effect 365 days after it becomes law.

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