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February Tip of the Month: New York City Enacts Pay Transparency Law

Effective May 15, 2022, New York City will join a growing list of jurisdictions requiring pay transparency in job opening advertisements. Specifically, as of May 15, New York City employers must state a job position's minimum and maximum salaries when advertising a job, promotion, or transfer opportunity. Failure to do so will be deemed an "unlawful discriminatory practice." While the law explains that the required minimum/maximum range may extend from the lowest to the highest salaries that an employer believes in "good faith" would apply to the position, it also leaves various questions unanswered. For example, the law does not define what it means to "advertise," nor does it specify whether the law applies to positions which may be located outside of New York City. The law does, however, grant the New York City Commission on Human Rights the authority to promulgate clarifying rules, which can be expected to provide further guidance. In the meantime, employers must promptly begin taking steps to reexamine their job posting processes to ensure compliance with this new pay transparency requirement.

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