

## Amendment to New York City's Salary Range Law – Delayed Effective Date

On April 28, 2022, the New York City Council passed an amendment clarifying the recent NYC law which requires employers to publish good faith salary ranges in any advertisement for a job, promotion, or transfer. Most importantly, the law will not take effect on May 15, 2022; it will be delayed until **November 1, 2022**. Other amendments include the following:

- 1) The law does not apply to positions that cannot or will not be performed, at least in part, in New York City. The amendment does not address remote work, but additional guidance on the issue may be forthcoming from the NYC Commission on Human Rights.
- 2) Private rights of action available are limited. Only current employees (not applicants) may bring an action to enforce the law against their employers. However, nothing in the amendment restricts the Commission's power to subject any employer to civil penalties.
- 3) The penalty for the first violation is \$0, and employers have 30 days to correct the violation. Employers are subject to the usual penalties for violations of the NYC Human Rights Law (i.e., up to \$250,000 for willful violations) for subsequent violations.
- 4) Advertisements for employment must state the minimum and maximum annual salary or hourly wage for the position.

The big take-away here is that this law does not appear poised to be a class action vehicle. Rather, it seems that this law will be enforced by penalties imposed from the Commission.

### For questions relating to this client alert, please contact:



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On behalf of employers, Randi's counseling experience includes advising a broad range of clients concerning all aspects of the employment relationship to avoid litigation. She advises employers about hiring and termination of employment, policies and practices, employee misconduct, restrictive covenants, leaves of absence and compliance with federal, New York state and New York City laws governing employment. Randi also regularly drafts, reviews and negotiates employment and executive compensation agreements, restrictive covenants and separation agreements.



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