

## New Salary Range Guidance

On March 22, 2022, the New York City Commission on Human Rights published guidelines clarifying the city's new law on employment advertising. Starting May 15, 2022, employers must publish good faith salary ranges in any advertisement for a job, promotion, or transfer that would be performed in whole or in part in New York City, whether that position is performed in person or remotely. An "advertisement" is defined as "a written description of an available job, promotion, or transfer opportunity that is publicized to a pool of potential applicants," including internal postings. However, nothing in the law requires employers to publish an advertisement if they are hiring or prevents employers from hiring without an advertisement.

Employers will be required to publish a good faith salary range, meaning the minimum and maximum that the "the employer honestly believes at the time they are listing the job advertisement that they are willing to pay . . ." An open-ended range (e.g., "\$15 per hour and up" or "maximum \$50,000 per year") does not satisfy the requirement, but a single figure (e.g., "\$20 per hour") does. Employers are not required to publish information regarding benefits or forms of compensation other than salary, such as tips or bonuses.

The guidance clarifies that the law will apply to employers with four or more employees if at least one employee works in New York City. Employment agencies are covered by the law, but temporary help firms are not.

Employers who violate the law may have to pay damages and civil penalties of up to \$250,000, and amend advertisements, update policies, conduct trainings, and provide notices of rights to employees and applicants.

However, employers should be aware that a bill to amend the salary range law is currently before the New York City

Council. The bill would exclude employers with fewer than fifteen employees and move the effective date to November 1, 2022, among other changes. A public hearing was held on April 5 to discuss the potential changes. We will provide more detail if the bill passes.

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



**Amory McAndrew**  
212.689.8808  
[amcandrew@hnrklaw.com](mailto:amcandrew@hnrklaw.com)

Amory represents employers and executives in all aspects of the employment relationship with a focus on counseling, litigation avoidance and, when necessary, litigation. Her counseling experience on behalf of a broad range of employers includes advice on issues ranging from discrimination and retaliation to wage-and-hour issues to compensation. She also regularly drafts, updates, and negotiates agreements and policies on behalf of clients concerning executive employment agreements, separation agreements, and other business arrangements.



**Emily Hogan Long**  
212.689.8808  
[ehogan@hnrklaw.com](mailto:ehogan@hnrklaw.com)

Emily is a litigator with experience in employment, commercial, insurance, and white collar proceedings. Her breadth of experience includes actions in state and federal courts as well as U.S. and international arbitration.

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