

New York City Requires Employers to Include Salary Ranges in Advertisements for Employment Opportunities

New York City recently passed legislation that will require employers to include a minimum and maximum salary in all job advertisements. The law is set to take effect on May 15, 2022, and as currently worded will apply to any company that: (1) employs at least four individuals; and (2) has at least one employee who works in New York City. Note the breadth of this definition – the law will cover even an employer that has no physical office in New York City, if it has at least one employee working from New York City. The law does not, however, cover advertisements by recruiters on behalf of an employer.

To comply with the law, covered employers will be required to include a good faith base salary range in any covered advertisement for any job opportunity that will or could be performed in whole or in part from New York City. The law applies to all job opportunities, including part-time opportunities, domestic help positions, and internships. Notably, the law also includes independent contractors in its definition of employees. Thus, while independent contractors are not compensated with traditional salaries, advertisements for these positions must comply with the law's requirements as well.

The law defines an advertisement as any written description of an available job, promotion, or transfer opportunity that is publicized (internally or externally) to a pool of potential applicants. Opportunities offered to a single individual, or opportunities offered verbally without any written record, do not fall within the purview of the law. It is also worth noting that employers only need to include a good faith base salary range in the advertisement. Other forms of compensation and benefits associated with the position, such as bonuses, commissions or equity, are not required.

More details on this law and its enforcement can be found in [the fact sheet](#) recently released by the New York City Commission on Human Rights.

Next Steps

1. Employers should review their records to determine if any of their current employees work in New York City (whether remotely from a New York City residence or in a New York City office). If so, and the employer has more than four employees total, the employer will be subject to this law.
2. Employers should ensure that all current postings that may still be active on May 15, 2022 comply with the law.
3. Advertised salary ranges must contain a minimum and maximum amount. Language such as “\$15 per hour and up” or “maximum \$50,000 per year” are impermissible. If an advertisement mentions several positions, it should include salary ranges specific to each opportunity.
4. Before including a salary range in advertisements, employers should consider conducting an audit of all current similar positions to ensure consistency and compliance with applicable equal pay laws.

For more information, please contact:

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