

# Workplace Legal Alert



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## Pay Transparency

New York's Pay Transparency Law requires employers with 4 or more employees to include a range of pay for all advertised job, promotion or transfer opportunities. The range must consist of a minimum and maximum annual salary or hourly rate believed to be accurate at the time of posting.

The published range must be exclusive of fringe benefits and tips although they can be separately stated (ex. "\$15 per hour + tips"). If the salary or hourly rate is fixed, then it can be stated as such (ex. "\$20 per hour" or "\$50,000 per year"). Any commission based compensation must also be stated.

The law applies to any job that will be physically performed, at least in part, in New York and those that are performed outside New York, including remotely, but report to a New York supervisor or office.

Transparency is required in any job posting shared with more than one person – internally or publicly – including newspaper ads, flyers, social media posts, website postings, emails, etc., whether posted by the employer directly or a third party (ex. job-listing websites like Indeed, ZipRecruiter, LinkedIn).

All postings must include a job description except when the title conveys the job duties (ex. dishwasher).

The law does not require employers to create job postings – jobs can still be filled without advertising the opportunity.

Retaliating against employees who discuss their compensation with coworkers is prohibited.

If you have any questions or concerns, do not hesitate to contact me.

