

New York Statewide Salary Transparency Law Takes Effect

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On Sunday, September 17, 2023, the STATEWIDE SALARY TRANSPARENCY LAW takes effect.

Though the New York State Department of Labor has not yet issued regulations, there are a few things that all employers (with 4 or more workers) need to know.

For NYC employers, the State law largely tracks the City law enacted last year, so you should already be in compliance and require nothing further. See our Alert on that here: <https://tinyurl.com/mryd8ckp>

For those outside NYC, to whom this is new, the law requires that you include in your job postings and advertisements, a salary range or hourly rate. This law does not apply to commission-only workers. The penalties for failure to comply range from \$1,000-3,000, so please let us know if you have any questions.

On the Federal front, the EEOC and US DOL Wage and Hour Division executed a Memorandum of Understanding (MOU) earlier today that is designed to “maximize enforcement” of the Federal laws with which each of those agencies is charged. In particular, the MOU focuses on employment discrimination and unlawful compensation (including leave) practices, and the joint press release specifically mentions the recently-enacted Pregnancy Workers Fairness Act (<https://tinyurl.com/55en4r92>) and the PUMP Act (<https://tinyurl.com/324v4z9y>).

The MOU provides for information sharing joint investigations, and training and outreach coordination between the two agencies. More specifically, the MOU charges each of those agencies with cross-referring violations within the other’s jurisdiction, and then with collaborating on the case.

This Agreement TAKES EFFECT IMMEDIATELY (TODAY) so Employers must make sure their policies and practices are up to date.

Please let us know if we can be of any assistance and contact your counsel- whoever they are- if any of these agencies show up at your door.

This is provided for informational purposes only and is not legal advice.