

NY Employment Law: Non-Competes, Salary Transparency, and More

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From the desk of Rachel Demarest Gold

There is not much moving fast in these last lazy hazy days of summer, but I want to take the opportunity to highlight a few things that must be on Employers' radars over the coming weeks and months.

Non-Compete Agreements are about to be illegal: During the last New York State legislative session that ended in June, both houses passed a law that would essentially eliminate the enforceability of non-compete agreements against Employees. Though the law has not yet been delivered to the Governor for signature, assume it will be and will be signed and that all Employers will have to adjust their practices accordingly. If for some reason this falls apart on the State level (which is unlikely), the Feds are pursuing the same thing: Rules that would make non-competes "deceptive trade practices" and "unfair" thereby creating both FTC agency enforcement jurisdiction, as well as a private right of action for Employees who are asked to be subjected to them.

Other Legislation that passed last Session that Employers must watch include: An expansion of the NYC "Freelance Isn't Free Act" to the entire State. This would mean that every freelancer would be required to have a written contract, timely payment, and enjoy all other rights and protections afforded under the wage theft laws. These rights will be enforceable by DOL, the AG, and through a private right of action. Also coming soon: An increase in the salary threshold required to qualify for exempt status, and a ban on Employer-organized religious and political meetings.

The Statewide Salary Transparency Law Takes Effect Next Month: This means that Employers must start to include a "good faith" range of wages that every posted position pays. It largely tracks the NYC law (see our [Alert on that here](#)), but there are a few differences worth noting, and you can find more information on that here: <https://dol.ny.gov/pay-transparency-law-fare->

