

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

DECEMBER 8, 2022

Wage Transparency Law and NYS Paid Family Leave Policy Updates

With 2022 nearing its end, many states and counties look to pass new employment laws and regulations at the turn of the year. While this is not intended to be a complete update of New York employment law, this article details a few highlights in this area.

NYC Pay Transparency Law

As of Nov. 1, 2022, the NYC Pay Transparency Law requires New York City employers and employment agencies to post good faith salary ranges for every job, promotion and transfer opportunity publicized to a pool of potential applicants. Employers covered by this law include all private employers with four or more employees—with at least one employee working in New York City—as well as employers with one or more domestic workers.¹ If the job related to a posting can or will be performed, in whole or in part, in New York City, whether from an office, in the field or remotely, the posting must comply with the NYC Pay Transparency Law.

To comply with this new law, an employer must state both a minimum and maximum salary in a job posting. A “salary” comprises the base annual or hourly wage or rate of pay; and it does not include other forms of compensation or benefits offered in connection with the job advertised. Employers should determine salary ranges for each job position/classification in order to set a good-faith determination of pay for publication of any job advertisements or internal promotion and transfer opportunities.

Westchester County Pay Law

Westchester County Pay Law became effective on Nov. 6, 2022. Similar to the NYC Pay Transparency Law, it prohibits all covered private employers with more than four employees from posting a job, promotion or transfer opportunity without minimum and maximum salary information. The geographic reach extends to all posted positions required to be performed, in whole or in part, in Westchester County, whether from an office, in the field or remotely.

The Westchester County Pay Law provides a specific exemption for signage that generally indicates that an employer is accepting applications or hiring from its definition of “posting” (e.g., “Help Wanted” signs). Additionally, unlike the NYC law, the Westchester County Pay Law expressly prohibits all covered employers from questioning prospective employees about an applicant’s wage history.

New York State Paid Family Leave Policy Expansion

Beginning Jan. 6, 2023, employees caring for siblings with serious health conditions will be eligible for Paid Family Leave. The current Paid Family Leave law limits receipt of Paid Family Leave to the care of “family members,” which include spouses, domestic partners, children and step-children, parents, parents-in-law,

¹ Temporary staffing firms are exempt from the NYC Pay Transparency Law because they already disclose the required good faith salary range information in accordance with the NY State Wage Theft Prevention Act.

grandparents and grandchildren with serious health conditions. Under the revised law, the definition of “family members” will be expanded to include siblings. The definition of “sibling” covers biological siblings, adopted siblings, half-siblings and step-siblings that live either inside or outside of New York State.

Key Takeaways

In light of these recent and upcoming employment law developments, all employers should review and update their employee handbooks, bring their job advertisements into compliance and revise their hiring practices as they relate to employee wages. If you have any questions or would like additional information regarding handbook updates, or other legal developments, please contact [Samuel Dobre](#) or any attorney in Bond’s [labor and employment practice](#).

**Special thanks to Associate Paige Carey for assisting with researching and drafting this memo.*

