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Westchester County, NY Pay Transparency Law Takes Effect

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Effective November 6, 2022, the Westchester County (NY) Human Rights Law is amended to require that employers with at least four employees that are posting job, transfer or promotion opportunities which "are required to be performed, in whole or in part, in Westchester County, whether from an office, in the field, or remotely"** state the minimum and maximum salary for such position in such posting.

Similar to the law that took effect on November 1 in New York City, under the Westchester law, the posted range must extend from the lowest to the highest salary the employer in good faith believes at the time of the posting it would pay for the advertised job, promotion, or transfer opportunity.

The Westchester law defines covered postings as "any written or printed communication whether electronic or hard copy, that the employer is recruiting and accepting applications for a specific position but does not include a 'Help Wanted' sign or similar communication, affixed to the premises of the employer or place of employment, indicating only generally, without reference to any particular positions, that an employer is accepting applications or hiring." The law does not apply to a job posting for temporary employment at a temporary help firm.

Notably, the Westchester law states that it "shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Westchester." This is relevant because, as we previously reported, a statewide bill proposing a similar pay transparency law was passed by the New York State Legislature in June 2022. The bill is currently under consideration by Governor Hochul, and, if enacted, will take effect 270 days after it is signed into law.

Earlier this year, on September 1, 2022, a similar pay transparency law took effect in Ithaca, New York, also requiring employers to post a salary range in all covered job postings. However, the Ithaca law expressly only applies to employers with four or more employees "whose standard work locations" are in Ithaca.

** We note that the quoted language is from the certified copy of the local law available on the Westchester County Board of Legislators website. The law as presently set forth in the Westchester County Code of Ordinances on Municode includes some differences in language.

View original.

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