Proskauer

Pay Range Will Be Required in Massachusetts Job Ads Starting July 31, 2025

Law and the Workplace on **September 10, 2024**

On July 31, 2024, Massachusetts Governor Maura Healey signed into law new legislation that requires employers with 25 or more employees in Massachusetts to include pay range in job ads. The statute requires that the posted pay range be the annual salary or hourly wage range the employer "reasonably and in good faith expects to pay for such position at that time."

The requirement does not go into effect until next year on July 31, 2025. And for the first year after the law is in effect, there will be a grace period of 2 business days after an employer receives notice of a violation to correct the problem without facing a fine. The law additionally prohibits retaliation or discrimination against any employee or applicant for taking action to enforce the law or making a complaint regarding an alleged violation of the law.

There is no private right of action under the law; it is enforced by the Massachusetts attorney general. The first violation is met with a warning, the second with a fine of not more than $500, and the third with a fine of not more than $1,000. Fourth and subsequent offense are subject to harsher penalties.

Additionally, the law requires that employers that are already required to provide the Equal Employment Opportunity Commission ("EEOC") with work force demographic reports EEO-1, EEO3, EEO-4, and EEO-5 and that have 100 or more employees within Massachusetts will now be required to send copies of those reports to the Massachusetts state secretary as well. This requirement includes sending the state secretary a copy of the employer's EEO-1 data annually not later than February 1, copies of the EEO-3 and EEO-5 reports each odd-number year, no later than February first, and a copy of the EEO-4 report each even-numbered year, no later than February 1. The fine amount for a violation depends on if it is the first, second, or subsequent offense for the employer. The requirements go into effect by February 1, 2025 for EEO-1, EEO-3, and EEO-5 reports and by February 1, 2026 for EEO-4 reports.

The text of the statute can be found here.

View original.

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