

Int. No. 1208-B

By Council Members Rosenthal, Brannan, Adams, Rose, Brooks-Powers, Barron, Cabán, Louis and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from posting job listings without minimum and maximum salary information

Be it enacted by the Council as follows:

Section 1. Section 8-102 of title 8 of the administrative code of the city of New York is amended as follows:

Employer. For purposes of subdivisions 1, 2, 3, 10, 11-a, [and] 22, 23, 32, subparagraph 1 of paragraph a of subdivision 21, and paragraph e of subdivision 21 [and subdivision 23] of section 8-107, the term "employer" does not include any employer that has fewer than four persons in the employ of such employer at all times during the period beginning twelve months before the start of an unlawful discriminatory practice and continuing through the end of such unlawful discriminatory practice, provided however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ. For purposes of this definition, (i) natural persons working as independent contractors in furtherance of an employer's business enterprise shall be counted as persons in the employ of such employer and (ii) the employer's parent, spouse, domestic partner or child if employed by the employer are included as in the employ of such employer.

§ 2. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 32 to read as follows:

32. Employment; minimum and maximum salary in job listings. a. It shall be an unlawful discriminatory practice for an employment agency, employer, employee or agent thereof to

advertise a job, promotion or transfer opportunity without stating the minimum and maximum salary for such position in such advertisement. In stating the minimum and maximum salary for a position, the range may 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.

b. This subdivision does not apply to a job advertisement for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the labor law.

§ 3. This local law takes effect 120 days after it becomes law, except that the commission may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

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