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Pay Transparency Coming Soon to Westchester County, New York

By Susan M. Corcoran on September 12, 2022

Westchester County's salary transparency law, amending the local Human Rights Law, is set to take effect November 6, 2022. The County law will require employers (with at least four employees), employment agencies, and labor organizations to include a **minimum or maximum** salary for a job, promotion, or transfer opportunity in the job posting or advertisement.

The job posting covers any type of communication that is written or printed, whether electronic or hard copy, relating to a particular position for which an employer or employment agency is recruiting and accepting applications. The salary posting requirement will not apply to general "Help Wanted" solicitations not specifying a position that are affixed to an employer's worksite or place of employment.

Recognizing the possibility of remote work and clarity relating to geographic scope, the law specifically applies to positions that are required to be performed, in whole or in part, in Westchester County, whether in person, in the field, or remotely.

Westchester County's ordinance is much like the New York City Wage Transparency Law (eff. November 1, 2022), particularly relating to the definition of range of compensation as "the lowest to highest salary the employer in **good faith belief** at the time of the posting it would pay" for the position.

The law includes specific statutory "preemption" language if New York State enacts a similar law with the same or substantially similar language. Further guidance from the County would be needed if New York adopts similar legislation.

What does this mean? *Pay transparency* is coming to Westchester County and surrounding areas sooner than one may anticipate, so take steps now to get ready. Promoting salary disclosure already is becoming part of management's and C-suite's conversation in so many ways as companies look to build a culture of trust and transparency, as well as promote DEI initiatives.

With the number of *pay transparency* laws on the rise, now is the time to prepare. Some vendors are beginning to routinely include salary ranges on job site postings to prepare for the patchwork of new laws. Other organizations have voluntarily chosen to make *pay transparency* part of their culture and have voluntarily disclosed salaries for positions posted on their job board.

Stay tuned as we continue to monitor these new developments, including new laws that are being passed. Please ask your Jackson Lewis attorney if you have any questions or need legal advice in this area.