



New York Pay Equity

Statute

- N.Y. Labor Law §§ 194, 194-A, 194-B (effective 9/17/2023), 197
- Executive Order 161 (Ensuring Pay Equity by State Employers)
- New York City 1253-A
- New York City Admin. Code §§ 8-102, 8-107
- Ithaca City Code § 215-3(F)
- Westchester County Laws § 700.03

Classes Protected

- Sex, race (public employees), or ethnicity (public employees)
- Gender, age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, or any other employee or intern protected from discrimination pursuant to the New York State Human Rights Law.

Key language on pay discrimination

- Private employers must provide equal pay for “equal work on a job the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions.”
- Employers are required to ensure equal pay for (a) equal work on a job, the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, or (b) substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions.

Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- Merit system
- System which measures earnings by quantity or quality of production
- Bona fide factor other than sex, such as education, training, or experience

- Geographic region (no larger than a county)

Prohibition on salary history inquiry

- No employer can rely on or request salary history
- An employer is only permitted to verify the salary history if, at the time of making a job offer with compensation, the applicant responds to the offer by providing their prior salary history to support a wage higher than that being offered.
- Employers in Albany County are prohibited from asking about a job applicant's salary history
- Employers in Westchester County are prohibited from asking about a job applicant's salary history
- Illegal for any employer or employment agency in New York City to ask about an applicant's salary history, including benefits, or search any publicly available records to obtain any such information.
- Employers in Suffolk County are prohibited from asking about a job applicant's salary history

Anti-Retaliation

- May not retaliate against an employee for exercising their rights under this law

Wage Disclosure Requirements

- New York employers with four or more employees are required to disclose salary ranges (or "range of compensation") in job postings. The "range of compensation" means the minimum and maximum annual salary or hourly rate that the employer in good faith believes to be accurate at the time of the job posting. For positions compensated solely on a commission basis, employers can comply with the law by including a general statement that compensation will be based on commissions. The job description must also be disclosed, if one exists.
- Employers in New York City with four or more workers (including independent contractors but excluding temporary employees hired through temporary help firms) are required to disclose the expected salary range for a position on internal and external job listings. 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.
- Employers with four or more employees working in the city of Ithaca must include the compensation range in each posting for a job, promotion or transfer opportunity (does not apply to remote positions)
- Employers in Westchester County must include the compensation range in each posting for a job, promotion, or transfer opportunity (does not apply to remote positions or include "help wanted" or similar signs)

- Employers in Albany County are required to state the minimum and maximum salary or hourly wage for a position when advertising a job, promotion or transfer opportunity. In stating the range, employers may include the lowest to highest salary that an employer in good faith believes at the time of posting it would pay for the advertised job, promotion or transfer opportunity. This requirement does not apply to temporary jobs at a temporary help firm.

Pay Transparency

- Employers cannot prohibit employees from inquiring about, discussing, or disclosing the wages of the employee or other employees.

Key contact

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Pay Equity Team

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