October 3, 2022

Don’t Fall Behind: Stay Up to Date With the Changes to New York’s Employment Laws

As the seasons change, there are several employment law changes of which New York employers should be aware, including some new laws with effective dates that are just around the corner. Below, we highlight the most recent New York employment law developments to help employers prepare.

New York City Pay Transparency Law

As we previously reported here, the New York City Pay Transparency Law will take effect on November 1. The law requires employers with four or more employees and all employment agencies to disclose the minimum and maximum salaries or hourly wages offered in advertisements for jobs, including remote positions, that can or will be performed, at least in part, in New York City. Employers should review and prepare the salary ranges for all jobs that will be advertised on or after November 1 for positions that can be performed in New York City.

Westchester Pay Transparency Law

In addition, on May 10, Westchester County passed its own pay transparency law, which will take effect on November 6. The law amends the Westchester County Human Rights Law by making it unlawful for employers to advertise a job that, in whole or in part, can or will be performed in Westchester County without including the minimum and maximum salaries for the job in the advertisement. This includes remote positions. The law does not require salary ranges for job postings that generally indicate an employer is accepting applications without referencing particular positions.

New York City Private-Sector Vaccination Requirement

On September 20, New York City Mayor Eric Adams announced that effective November 1 the New York City COVID-19 vaccination mandate for private-sector businesses will be lifted. Accordingly, beginning November 1, nearly a year after the mandate went into effect, private employers in New York City will have the option to leave their COVID-19 vaccination mandates in place or discontinue them. The city is encouraging private businesses to set their own vaccination policies. New York City employers should review their vaccination policies and health and safety protocols and consider whether to implement any changes to those policies or protocols.

New York City Automated Employment Decisions Tool Law

In April, we reported that New York City's Automated Employment Decisions Tool Law will go into effect on January 1, 2023. The law regulates employers' use of automated employment decision tools to prevent bias in employment decisions such as hiring and promotions. On September 23, the New York City Department of Consumer and Worker Protection (DCWP) released a notice of public hearing and opportunity to comment on proposed rules related to the Automated Employment Decisions Tool Law. The proposed rules aim to clarify the requirements set forth in the law by addressing ambiguities and providing definitions for certain terms in the law. The DCWP's public hearing on the proposed rules will take place on October 24 via phone and videoconference. Additional information about the proposed rules can be found here.

New York State Pay Transparency Law

On June 3, the New York State Legislature passed a bill that would, similar to the New York City Pay Transparency Law discussed above, require private-sector employers to disclose the range of compensation in all advertisements for jobs, including remote positions, that can or will be performed, at least in part, in New York state. The bill is before New York Governor Kathy Hochul for her signature or veto. The "range of compensation" is the minimum and maximum annual salaries or hourly rates for the position that the employer in good faith believes to be accurate at the time of the posting. Employers would also have to post the job description, if one exists, for the advertised position. The statute would apply to employers with four or more employees. Employers that fail to comply with the statute may face civil penalties. Also, employers would be required to maintain all necessary records, including the history of compensation ranges and job description for each job, if such description exists. If Governor Hochul signs the bill and it is enacted, it will take effect 270 days after her signature.

New York Paid Family Leave Law

As we previously reported here, employers should be mindful of changes to the New York Paid Family Leave Law (NYPFLL) that are set to take effect on January 1, 2023. Employees who are on NYPFL will continue to receive 67 percent of their average weekly wage, up to a cap of 67 percent of the current New York statewide average weekly wage (NYSAWW). For 2023, the NYSAWW is $1,688.19. Accordingly, the maximum weekly benefit for 2023 is $1,131.08, which is $62.72 more than the maximum weekly benefit for 2022.

Further, employees will contribute 0.455 percent of their gross wages per pay period. The maximum annual contribution for 2023 is $399.43, which is $24.28 less than it is in 2022. Employees who earn less than the current NYSAWW of $1,688.19 will contribute less than the annual cap of $399.43, consistent with their actual wages. Additional information about the NYPFLL changes for 2023 can be found here.

New York State Sexual Harassment Hotline

As we previously reported here, the New York State Division of Human Rights established a confidential hotline that provides counsel and assistance to individuals with complaints of workplace sexual harassment. The telephone number for the hotline is 1-800-HARASS-3 (1-800-427-2773). Employers must provide information about the hotline in materials distributed to employees regarding sexual harassment.

The Bottom Line

As New York's employment laws continuously evolve and new laws take effect in the near future, employers are encouraged to review their workplace policies to ensure compliance with the most recent laws. Employers should contact counsel for guidance and assistance with the new and changing laws.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center.

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

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