

# Effective Date of NYC Salary Transparency Law Remains May 15, 2022 – But That Could Change

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In December 2021, the New York City Council approved a bill requiring NYC employers with four or more employees to include, in internal and external job postings, the minimum and maximum salary offered for any position within New York City. The requirement also applies to promotions and internal transfer positions. The bill further provides that “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.” On January 15, 2022, the bill was enacted into law and scheduled to go into effect on May 15, 2022. A failure to comply with this law will be a violation of the New York City Human Rights Law.

On March 22, 2022, the New York Commission on Human Rights issued a [Guidance](#) that provided answers to some of the questions left open by the law, such as: (i) providing the definition of “good faith”; (ii) defining what information is to be included when listing the salary range; and (iii) identifying enforcement mechanisms.

Following closely on the heels of the Guidance, on March 24, 2022, a bill was introduced before the New York City Council that would amend this law. After an initial hearing on the first proposed amendment was held, the proposal was further amended. The New York City Council has not yet voted on the most recently proposed, pending amendment. If the amendment is passed, the effective date will become November 1, 2022. In addition to extending the effective date, the amendment would change the new law in several ways:

1. *Clarify the Definition of “Salary” to include hourly rates*

In its current form, the law requires that employers include a position’s “minimum and maximum salary” in a job posting. The proposed amendment now clarifies that the law applies equally to hourly

and salaried positions.

## *2. Apply to General Hiring Notices and Most Remote Positions Performed in NYC*

In its current form, the law does not indicate its applicability regarding general notices and remote positions. If amended, the law would: (i) require a salary range on general hiring notices, even if not specific to one position; and (ii) exclude remote positions only if they cannot or will not be performed, even in part, in the City of New York.

## *3. Provide A 30-Day Cure Period Before Levying Any Civil Penalty For First Violations*

If amended, a covered employer charged with a first violation would be able to avoid civil penalty by providing proof that it has cured the violation within 30 days after receiving notice.

## *4. Limit The Right To Pursue Civil Action To Current Employees*

If amended, only current employees would be allowed to sue their employer for an alleged violation of this law.

## **Next Steps and Takeaways**

- The amendment remains under consideration before the NYC Council's Committee on Civil and Human Rights. We are tracking the bill's progress and will provide updates on future developments.
- Unless and until the amendment is passed, NYC employers with four or more employees should review the Guidance and prepare to include salary ranges on postings, beginning on May 15, 2022.

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