

LOCAL LAW INTRO. NO. -2022

A LOCAL LAW amending Chapter 700 of the Laws of Westchester County relating to prohibiting employers from posting job listings without minimum and maximum salary information.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Subsection 9 of Section 700.03 of the Laws of Westchester County is hereby amended to read as follows:

Section 700.03. – Unlawful discriminatory practices in employment.

a. It shall be an unlawful discriminatory practice:

...

9. For an employer, labor organization, employment agency or licensing agency, or employee or agent to:

- (i) Post a job, promotion, or transfer opportunity without stating the minimum and maximum salary for such position in such posting. 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. This subdivision does not apply to a job posting for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article

31 of the New York State Labor Law. Posting is defined as any written or printed communication whether electronic or hard copy, that the employer is recruiting and accepting applications for a specific position but does not include a “Help Wanted” sign or similar communication, affixed to the premises of the employer or place of employment, indicating only generally, without reference to any particular positions, that an employer is accepting applications or hiring. For the purposes of this subdivision, an employer, defined in section 700.02(7) of this Chapter, shall also include any employer who posts for positions that can or will be performed, in whole or in part, in Westchester County, whether from an office, in the field, or remotely from the employee’s home.

- (ii) Rely on the wage history of a prospective employee from any current or former employer of the individual in determining the wages for such individual; provided that an employer may rely on prior wage history when it is voluntarily provided by a prospective employee to support a wage higher than the wage offered by the employer;

- (iii) Orally, or in writing, request or require as a condition of being interviewed, or as a condition of continuing to be considered for an offer of employment, or as a condition of employment, that a prospective employee disclose information about the employee's own wages from any current or former employer; and
- (iv) Orally, or in writing, seek from any current or former employer the previous wages of any prospective employee; provided, however, that an employer may seek to confirm prior wage information only after an offer of employment with compensation has been made to the prospective employee and the prospective employee responds to the offer by providing prior wage information to support a wage higher than offered by the employer. Under these circumstances, the employer may only seek to confirm prior wages after obtaining written authorization by the prospective employee to do so.

The employer shall not refuse to hire or otherwise retaliate against an employee or prospective employee based upon prior wage or salary history or because the employee or prospective employee has opposed any act or practice made unlawful by this subdivision.

This section shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Westchester. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation, or pertinent preempting State or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 3. This Local Law shall take effect 180 days after enactment.