

Colin D. Smith
Legislator, 1st District
Chair, Committee on Legislation



Committee Assignments:
Budget & Appropriations
Health
Law & Major Contracts
Public Safety

To: Sunday Vanderberg, Clerk of the Board of Legislators

FROM: Colin Smith, Legislator, District 1
Catherine Borgia, Legislator, District 9

Date: March 2, 2022

RE: Salary Range Posting Requirement

Please refer the attached 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, on the March 7, 2022 Westchester County Board of Legislators agenda to the appropriate committees.

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of “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.”

Your Committee is advised that the Westchester County Human Rights Law (“Human Rights Law”) is intended to address and prevent discrimination, bigotry, prejudice, and intolerance in Westchester County because of a person’s actual or perceived membership in a protected class. Under the Human Rights Law, it is unlawful to discriminate in relation to employment, public accommodations, housing accommodation, commercial space and land transactions, and the issuance of credit.

Your Committee notes that, historically, a gender and racial wage gap has existed. Women earn on average less than their male counterparts do and people of color generally earn less than their White counterparts do. This disparity in pay can have a significant impact on the earnings of woman and people of color over the course of their careers. The Human Rights Law already bans employers from requesting, with few exceptions, the salary history of applicants to prevent employers from excluding people from the pool of applicants and using salary history to perpetuate gender and racial pay disparity.

Your Committee is advised that the proposed amendment to the Human Rights Law will make it unlawful for employers to advertise a job, promotion, or transfer opportunity without also including the minimum or maximum salary for the job, promotion, or transfer, in the job posting or advertisement. In any advertisement for a job, promotion, or transfer opportunity, the employer must provide a range 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 new requirement will help to bring about transparency around salary ranges and level the playing field for negotiating pay and ensuring that job applicants, particularly women and people of color, are paid a fair salary based upon what the job is worth. Moreover, it will help to close the gender and racial pay disparity by leveling the information playing field and helping to ensure that employees can receive equal pay for equal work, regardless of their group identity. Prospective applicants can better decide whether they want to devote their time to applying for a particular job or forego that particular opportunity if they know the salary range. On the other hand, prospective employers will not waste their time on applicants who are not interested in a particular job based upon the salary range. Colorado and New York City have recently enacted salary range disclosure laws.

Your Committee is advised that the proposed amendment will make it an unlawful discriminatory practice to advertise a job posting without disclosing the minimum and maximum salary of the position. The failure to comply with this amendment could result in a fine of up to \$125,000 pursuant to § 700.10(7) of the Human Rights Law.

Your Committee is informed that the proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ – 2022

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2022, entitled “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.” The public hearing will be held at __.m. on the _____ day of _____, 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.