



LICP Talks
Labor & Employment:
Pay Transparency
& Pay Equity

PRESENTED BY:
Domenique Camacho Moran, Esq.

Thursday, March 23, 2023

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Pay Equity means Equal Pay for Equal Work regardless of Gender, Race, Ethnicity or Age





Claims alleging a failure to pay equal wages for equal work may be brought under:

- ✓ **The Equal Pay Act**
- ✓ **Title VII / 42 USC §1981**
- ✓ **New York Labor Law**
- ✓ **New York Human Rights Law**

Proving Pay Equity Violations:

1. The employer pays different wages to employees of the protected class;
2. The employees perform equal work on jobs requiring equal skill, effort, and responsibility; and
3. The jobs are performed under similar working conditions.



NYS Efforts to Address Pay Equity

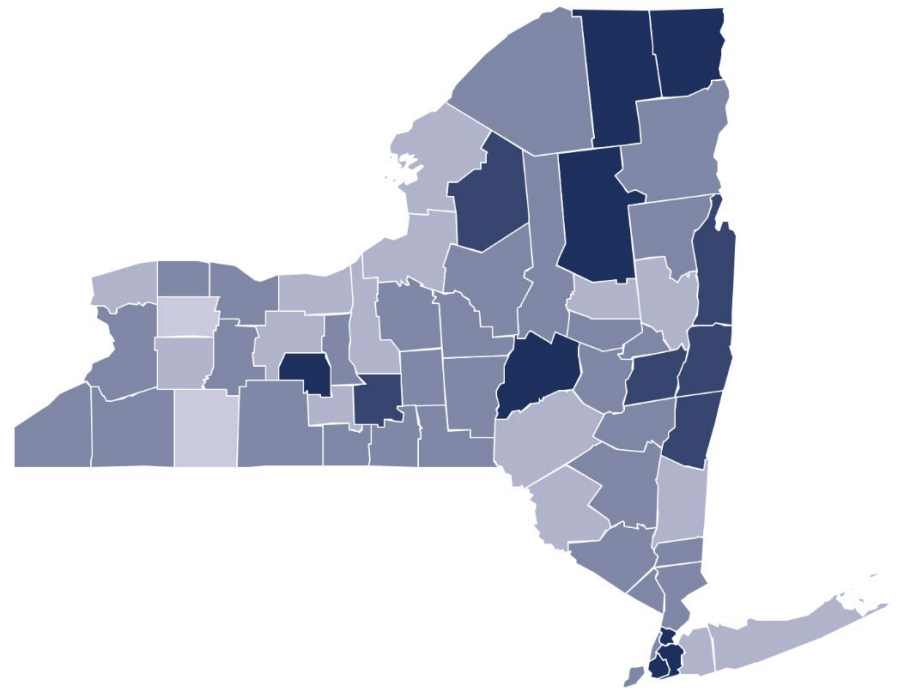
**Monitor
Pay Gap**

**Salary
History
Ban**

**Pay
Transparency
Law**

The State of Pay Equity in 2023

County	Female earnings as a Percentage of Male Earnings
Queens	91% and above
New York	81-85%
Nassau	76-80%
Suffolk	76-80%



Source: [2023 GWG Report: Impact of COVID on Women – NYS DOL Reports](#)

Salary History Ban

- Effective January 6, 2020
- Employers cannot obtain salary history data from applicants or former employers.
- Employers are prohibited from relying on prior salary to justify a pay difference.
- Action Items:
 - Review Job Applications
 - Train Interviewers / Reference Checkers

NYC Pay Transparency Law

- Effective November 1, 2022
 - › Employers advertising jobs in New York City must include a ***good faith salary range*** for every job, promotion and transfer opportunity advertised.
 - › A ***good faith salary range*** means “the salary range an employer honestly believes at the time they are listing the job advertisement that they are willing to pay the successful applicant(s).”

NYC Pay Transparency Law

- › A ***good faith salary range*** must include a minimum and maximum (open ended ranges are not adequate).
- › ***Salary range*** does not include overtime pay, health benefits, paid time off, commissions or bonuses.

**New York State
Pay
Transparency
Law**

- Effective September 17, 2023
- Who:
 - ✓ Employers (4 or more employees)
 - ✓ Employment Agencies
- Positions Impacted:
 - ✓ Jobs that will physically be performed, at least in part, in NY
 - ✓ Jobs that will physically be performed outside of NY but report to a supervisor, office or other work sit in NY

New York State
Pay
Transparency
Law

- What must be disclosed:
 - ✓ Compensation or “***range of compensation***” for the position. (If commission – state commission based).
 - ✓ Job description, if description exists.
 - ✓ The “***range of compensation***” means the minimum and maximum compensation the employer ***in good faith believes to be accurate at the time of the posting.***

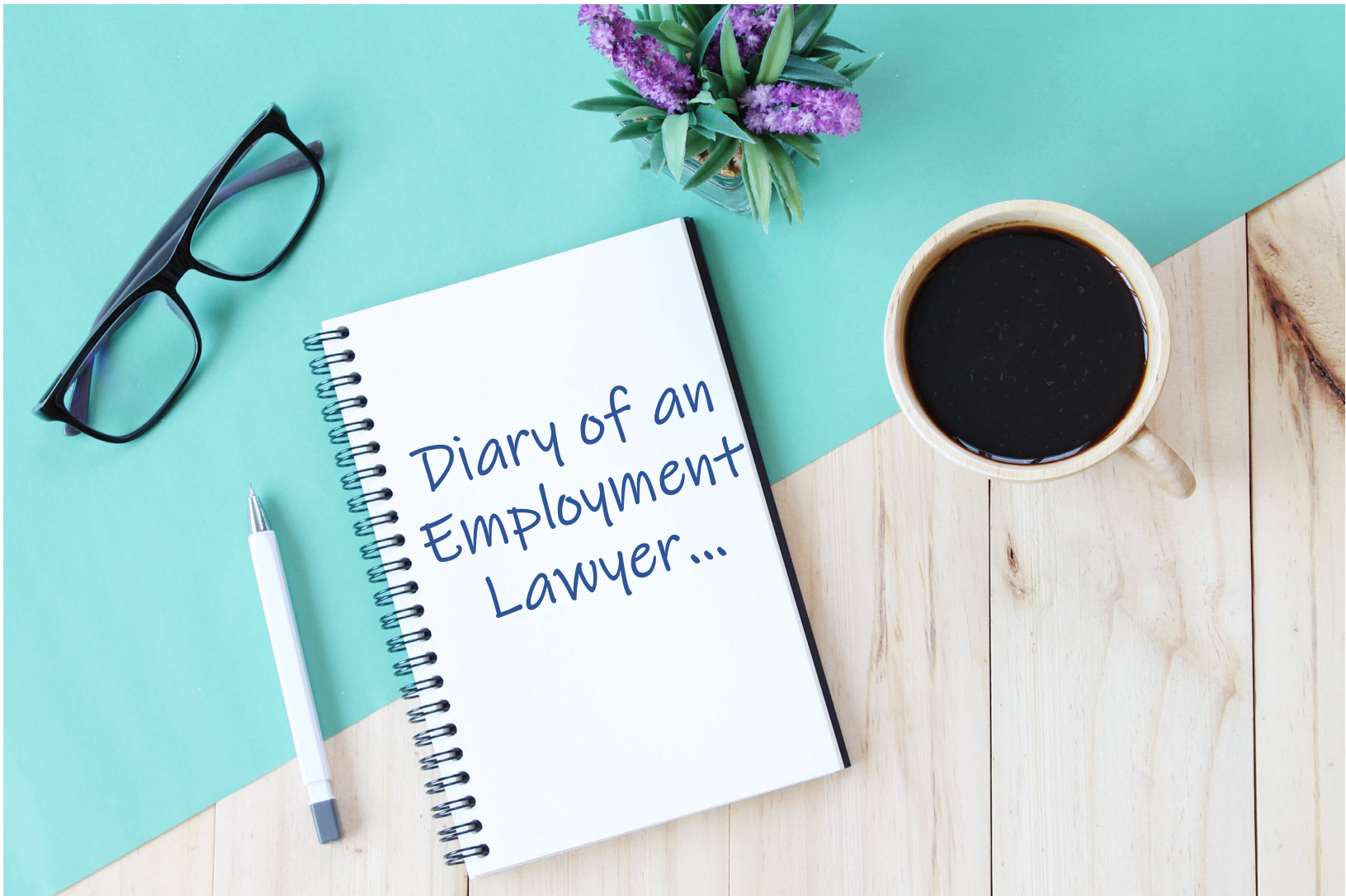
Were these Salary Ranges Established in Good Faith?

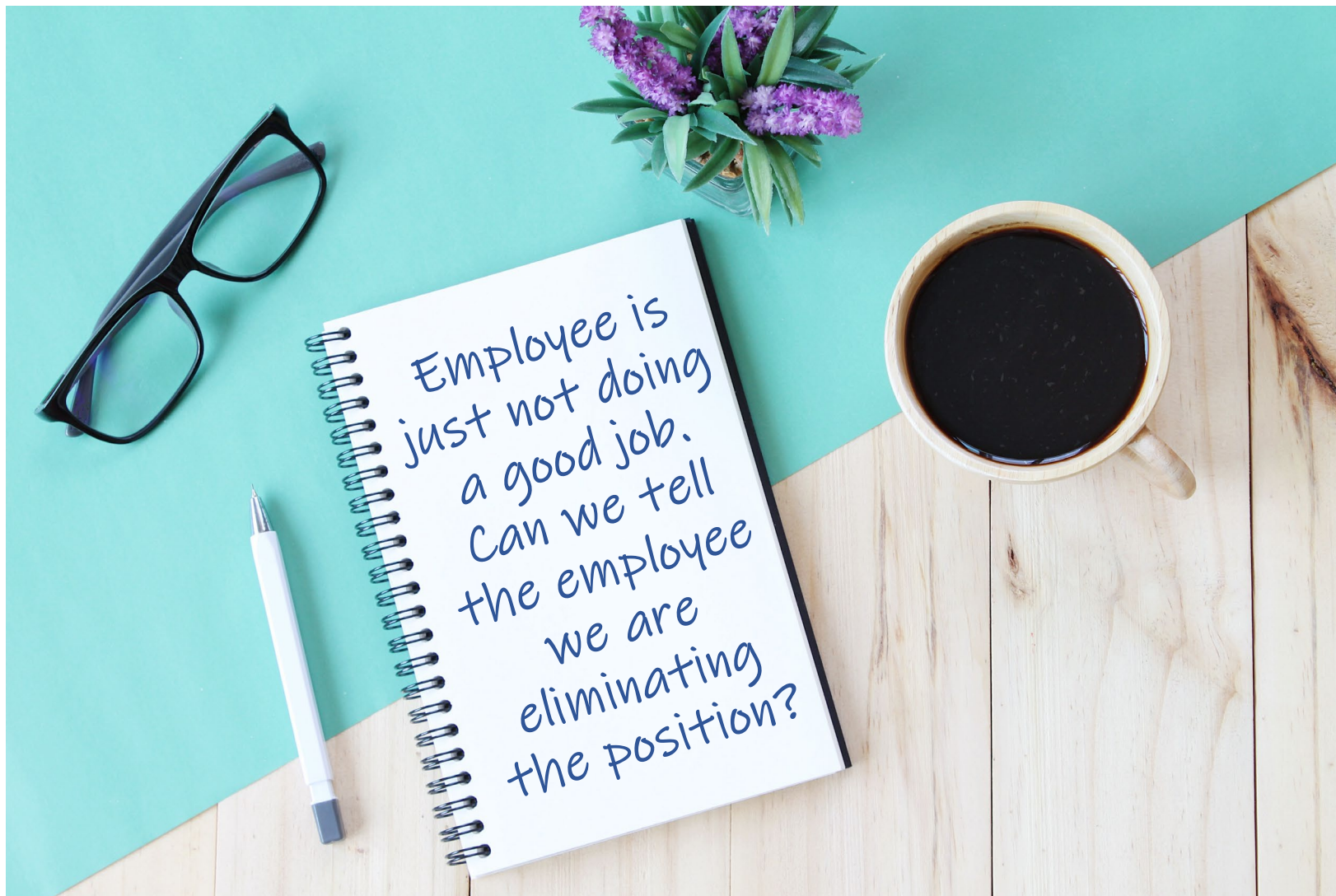
Position	Salary Range
Barista	\$16.24 to \$18.43 per hour
Janitor	\$18 per hour
Maintenance Technician	\$27.13 per hour
Software Engineer	\$115,000 to \$223,600
Construction Supervisor	\$116,087.33 to \$214,761.56

Things to Consider

- ☐ How will posted “range” be viewed by current employees?
- ☐ How will range impact recruiting? Not enough candidates? Too many candidates?
- ☐ How will offered compensation be determined?
- ☐ How will information be used in later litigation?







Thank You.

Questions?

Domenique Camacho Moran, Esq.

Partner + Head of Labor & Employment Group

Farrell Fritz, P.C.

dmoran@farrellfritz.com

(516) 227-0626