

Job Postings - Equal Pay Transparency Chart by Jurisdiction - Last Updated: October 17, 2023

Jurisdiction ¹	Effective Date	Covered Employers		Advertising Requirements	Enforcement
		Minimum number of employees	Worksite requirements		
<p>New York State²</p> <p>S9427A/A.10477</p> <p>Adding new section 194-b to NY Labor Law</p> <p>Does NOT supersede or preempt any provision of <i>local</i> law, rules or regulations (e.g., NYC)</p> <p>Employers may need to comply with both sets of laws.</p> <p><i>Proposed regulations published 09/13/2023 in the NYS Register; 60-day comment period ends</i></p>	<p>09/17/2023</p> <p>Passed Senate and Assembly on 06/03/2022</p> <p>Signed into law on 12/21/2022</p> <p>Amended by S1326, signed into law on 03/03/2023</p>	<p>Four employees in any occupation, industry, trade, business or service (including agent, but not temporary help under Section 916, subdivision 5 of article 31 of the New York State Labor Law); <i>see</i> §194-b.7.</p>	<p>Appears to apply even if no employee is in NYS.</p> <p>- Jobs that will “physically be performed, at least in part, in the state of New York”</p> <p>- But also remote jobs outside of the state where the worker “reports to a supervisor, office, or other work site in New York” regardless of whether the employee will be working from home outside NYS.</p> <p>This means employers will need to assess reporting structures to determine</p>	<p>Applies to a new job, promotion or transfer opportunity = as per the proposed regulations a single opportunity and a single geographic location or region.</p> <p>The amendment defines “advertise” as “to make available to a pool of potential applicants (more than one) for internal or public viewing, including electronically, a written description of an employment</p>	<p><i>Any person aggrieved by violation can file a complaint with the New York Labor Commission (no mention of a right or lack thereof to file civil lawsuit); see §194-b.5.a.</i></p> <p>Civil penalty of up to \$1,000 for first violation, up to \$2,000 for second violation and up to \$3,000 for subsequent violation; <i>see</i> §218 of Labor Law.</p> <p>The Commissioner should consider:</p> <p>- The size of the business</p>

¹ Links to informative websites for each law are below. The chart only lists those jurisdictions where the law requires employers to list the salary ranges when advertising the job via a job posting. There are states that (also) have similar laws requiring employers to provide wage information to current employees and applicants, e.g., when interviewing candidates, upon request or upon making a job offer; these laws are not included in this chart. Employers interviewing a potentially qualified U.S. worker in the PERM context must consult with their labor & employment counsel regarding the need to disclose the wage or wage range during such an interview. Some employers might already state the wage or wage range offered without making a formal job offer, to be able to disqualify U.S. worker applicants who decide not to pursue their application in light of the wage or wage range.

² See <https://www.governor.ny.gov/news/governor-hochul-celebrates-new-yorks-statewide-pay-transparency-law-groundbreaking-legislation> (includes link to FAQ)

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<p>11/12/2023³</p>			<p>possible applicability of the law to remote positions.</p> <p>As per FAQ, occasional physical presence such as meetings or mere communication with employees in NYS do not count.</p> <p>Proposed regulations clarify that “physically performed outside” of NYS includes working remotely, telecommuting or working from home in another state.</p>	<p>opportunity.”</p> <p>Actual compensation or range of compensation = minimum and maximum annual or hourly range of compensation, excluding benefits and bonuses, that the employer in good faith believes is accurate at the time of posting (as per the FAQ for the specific geographic region); <i>see</i> §194-b.6.a.</p> <p>As per FAQ and proposed regulations cannot be open-ended, but can be adjusted throughout the hiring process.</p> <p>Good faith as per the FAQ and proposed regulations means taking into account job market, current pay levels, hiring budget, and acceptable experience/education levels.</p> <p>Employer must disclose</p>	<ul style="list-style-type: none"> - The good faith basis of the employer to believe that its conduct complied with the law - The gravity of the violation - The history of previous violations - The failure to comply with recordkeeping requirements <p><i>See</i> §194-b(5)(b).</p> <p>As per the FAQ and proposed regulations, does not apply to postings that are re-posted or scaped by a third-party website without employer knowledge or consent.</p>
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³ <https://dos.ny.gov/state-register> (September 13, 2023, Vol. XLV, Issue 27, pages 8 to 11).

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				<p>an existing job description, but this is not defined – the FAQ and proposed regulations just state that a job description is needed unless the title clearly conveys the duties, such as dishwasher.</p> <p>If employer needs more space, can refer to a company weblink in a posting, as long as that is free and easily accessible.</p> <p>Proposed regulations confirm that if there are multiple geographic locations or the listing is for different levels of seniority, there must be multiple ranges of compensation, i.e., one range or wage for <i>each</i> individual opportunity.</p>	
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<p>New York City⁴</p> <p>Local Law No. 32 amends Sections 8-102 and 8-107 of Title 8 of the NYC Administrative Code</p> <p>NYC Commission of Human Rights (NYCCHR) Fact Sheet</p>	<p>11/1/2022</p>	<p>Four employees (owners and independent contractors count).</p> <p>One or more domestic workers.</p> <p>Employment agencies regardless of size.</p>	<p>Employees need not work in the same location or all in NYC - i.e., it suffices if 1 employee only works in NYC.</p> <p>Exempt from law if the job “cannot or will not be performed, at least in part”, in NYC; <i>see</i> §8-107 (32)(b)(2).</p>	<p>Applies to a new job, promotion or transfer opportunity, whether part-time, full-time, employee, intern or independent contractor.</p> <p>Applies to any written medium publicizing the opportunity.</p> <p>Minimum and maximum salary in place at the time of posting, in good faith. If there is no range, list a specific amount; no open-ended range.</p> <p>Salary: base annual or hourly wage; does not apply to benefits or overtime pay.</p>	<p>Employee or the public can file a complaint with the NYCCHR.</p> <p>Current employee can file a claim in civil court.</p> <p>NYCCHR can start its own investigation based on testing or tips.</p> <p>Monetary damages to the employee or other forms of affirmative relief, such as amending postings, providing notices to employees or providing training.</p> <p>Civil penalty against employer: up to \$250,000 for first violation that <i>remains uncured for 30 days</i> after the notice of violation, or for subsequent violations; <i>see</i> §§8-107(32)(d) and 8-126a.</p>
<p>Ithaca, NY⁵</p> <p>Ithaca City Code Section</p>	<p>9/1/2022</p>	<p>Four employees within the City of Ithaca.</p>	<p>Any job within Ithaca (silent on workers outside Ithaca so does not apply to</p>	<p>Applies to a new job, promotion or transfer opportunity.</p>	<p>Private cause of action, money damages and any other remedy; <i>see</i> §215-9.5.A.</p>

⁴ See <https://www.nyc.gov/site/cchr/media/pay-transparency.page>.

⁵ See <https://www.cityofithaca.org/CivicAlerts.aspx?AID=832>; and <https://ithacavoices.com/2022/05/ithaca-employers-will-be-required-to-list-salary-ranges-as-pay-transparency-move-approved/>.

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<p>215-3(F). Ordinance 2022-03</p>			<p>remote positions). Excludes temporary jobs at a temporary help firm as per subdivision 5 of section 916 of article 31 of the New York State Labor Law.</p>	<p>Actual, or minimum and maximum salary in place at the time of posting. Salary: base annual or hourly wage.</p>	
<p>Westchester, NY⁶ Local Law No. 119 Amending local human rights law Section 700.03(a)(9)</p>	<p>11/6/2022</p>	<p>Four employees within Westchester County. Exception where at least 2/3 of employees are children, parents, spouse or close relatives of the employer; <i>see</i> §700.02(6).</p>	<p>Any position, in office or remotely, that must be performed, in whole or in part, in Westchester County. Excludes temporary employment at a temporary help firm as per subdivision 5 of section 916 of article 31 of the New York State Labor Law</p>	<p>Applies to a new job, promotion or transfer opportunity. Posting in writing, print or electronic media. Actual salary, minimum and maximum salary in place at the time of posting, in good faith. Salary: base annual or hourly wage, but not benefits. Does not apply to “help wanted” and similar signs.</p>	<p>Compensatory and punitive damages, and civil penalties up to \$250,000; <i>see</i> §700.11(h).</p>

⁶ See <https://humanrights.westchestergov.com/salary-transparency-amendment#:~:text=Westchester%20County%20Human%20Rights%20Commission&text=Print-Section%20700.03%20of%20the%20Westchester%20County%20Human%20Rights%20Law%20was,signed%20copy%20of%20the%20amendment>.

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<p>Albany, NY⁷</p> <p>Local Law “E” amending Local Law No. 1 for 2013 by adding new subdivision 4 “An Omnibus Human Rights Law for Albany County”</p>	<p>03/09/2023</p>		<p>Any job within Albany County.</p> <p>Excludes temporary employment at a temporary help firm as per subdivision 5 of section 916 of article 31 of the New York State Labor Law.</p>	<p>Applies to a new job, promotion or transfer opportunity.</p> <p>Actual salary, minimum and maximum salary in place at the time of posting, in good faith</p>	<p>TBD.</p>
<p>New Jersey-Jersey City only⁸</p> <p>Ordinance 22-026, later amended by Ordinance 22-045</p> <p>Amending Chapter 148-4.1 (Discrimination) of the Municipal Code</p>	<p>4/13/2022 + amended 06/15/2022</p>	<p>Five employees, (including independent contractors).</p> <p>Employers with a principal place of business in Jersey City; <i>see</i> Chapter 148, §148-4.1.A and B.</p>	<p>Any job within Jersey City.</p>	<p>Applies to a new job, promotion or transfer opportunity, temporary or permanent.</p> <p>Posting in print or digital media, circulated within Jersey City.</p> <p>Actual salary, minimum and maximum salary in place at the time of posting, in good faith.</p> <p>Salary: base annual or hourly wage + benefits.</p>	<p>Anyone can report violation to City Office of Code Compliance (OCC) or Women’s Advisory Board for referral to OCC</p> <p>Fines of up to \$2,000; <i>see</i> Chapter 1, Article III, §1-25 A.</p>

⁷ See <https://www.albanycounty.com/Home/Components/News/News/1940/59>.

⁸ See <https://1057thehawk.com/new-jersey-pay-transparency/>; and https://library.municode.com/nj/jersey_city/codes/code_of_ordinances?nodeId=16093.

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<p>Colorado⁹</p> <p>Equal Pay for Equal Work Act (EPEWA)</p> <p>Equal Pay Transparency Rules (“EPT Rules”), the purpose of which is to exercise the authority to enforce Part 2 of the EPEWA and the Colorado Revised Statutes (CRS), Title 8, Article 5, Part 2 (8-5-1-201 to 8-5-203) + 7 Colorado Code of Regulations (CCR) 1103-13</p> <p>EPEWA Fact Sheet</p>	<p>1/1/2021</p>	<p>One in Colorado, including a remote employee in Colorado.</p>	<p>Employers in CO.</p> <p>Any remote positions in CO, but not an out of state employer with no existing employees in CO yet, even if a CO worker applies for the job.</p> <p>Does not apply to jobs to be performed entirely outside of CO or postings entirely outside of CO; <i>see</i> “EPT Rules” Rule 4.3(B)</p>	<p>Applies for each posting for a new job and must notify current employees of promotion options.</p> <p>For each job opening, must include the hourly/salary compensation or a range + general description of bonus, commissions or other form of compensation + major benefits; <i>see</i> “EPT Rules” Rule 4.1.1.</p> <p>Rate of compensation or range = lowest to highest pay the employer in good faith believes it might pay for the job, depending on the circumstances. (OK if the employer then pays less or more, as long as they use good faith at time of posting); <i>see</i> 7 CCR 1103.13 Rule 4.1.2.</p> <p>Employers must keep job descriptions and</p>	<p>Any person “aggrieved” = any witness or person violated can file a complaint with the CO DOL; <i>see</i> “EPT Rules” Rule 3.2</p> <p>Penalty to employer between \$500 and \$10,000 per violation, <i>see</i> CRS Section 8-5-203(4).</p>
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⁹ See <https://cdle.colorado.gov/equalpaytransparency>.

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				wage rate records.	
<p>California¹⁰</p> <p>Senate Bill 1162¹¹</p> <p>Cal. Labor Code §432.3</p>	<p>1/1/2023</p>	<p>Fifteen or more employees (even if only 1 is in CA); <i>see</i> Cal. Labor Code §432.3(c)(3).</p> <p>(*There are additional pay data reporting requirements for employers with 100 or more employees.)</p>	<p>Existing guidance directs employers to include remote employees in the pay data reports if the employees are assigned to a CA establishment, regardless of whether they reside in CA, or the employees reside in CA but are assigned to an establishment in another state.</p>	<p>Applies to any job posting, managed by the employer or a third party; <i>see</i> Cal. Labor Code §432.3(c)(3), (5).</p> <p>Posting must include a pay scale = annual salary or hourly wage that the employer reasonably expects to pay for the position. Unclear if the employer must include bonuses, commissions or benefits.</p> <p>Employers must maintain records of job titles and wage rate history for the duration of employment, plus three years after end, which can be inspected.</p>	<p>Private right of action for injunctive and other relief; <i>see</i> Cal. Labor Code §432.3(d)(2).</p> <p>No civil penalty for first violation if cured by the employer; then, between \$100 and \$10,000; <i>see</i> Cal. Labor Code §432.3(d)(4).</p> <p>No penalty if employer demonstrates that all job postings have been updated to include the required pay scale; <i>see</i> Cal. Labor Code §432.3(d)(4).</p>

¹⁰ *See* <https://www.jdsupra.com/legalnews/california-sb-1162-frequently-asked-7064652/> and <https://www.nbclosangeles.com/news/california-pay-transparency-law-sb-1162/3023547/>.

¹¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1162.

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<p>Washington State¹²</p> <p>SB 5671, amending Washington’s Equal Pay and Opportunity Act (RCW 49.58)¹³</p> <p>Administrative guidance issued by the Department of Labor & Industries (“DLI”) on 11/30/2022.¹⁴</p>	<p>01/1/2023 (there was a different version in effect prior to 01/1/2023)</p>	<p>Fifteen employees, where the employer is engaged in any business, industry, professions or activity in the state.</p> <p>Fifteen-employee threshold includes employees with no physical presence in the state, if at least 1 employee works in the state; <i>see</i> Rule 3.1 of the administrative guidance</p>	<p>“Engaged in business” includes employers with no physical presence in the state, but either are engaged in business in the state OR recruit for jobs that could be filled by a Washington-based employee; <i>see</i> Rule 3.1 of the administrative guidance.</p> <p>Employer may not state that Washington applicants will not be accepted, but law does not cover jobs that can only be done outside of the state, even if the job holders could live in the state and commute to the job.</p> <p>Employer need not disclose salary information in printed hard copy postings made and distributed entirely outside of Washington.</p>	<p>Applies to a new job, promotion or transfer opportunity.</p> <p>Applies to any job posting in print or electronic media, managed by the employer or a third party; Rule 7 of the administrative guidance explains what is not covered, e.g., “help wanted” window sign that does not list the job requirements.</p> <p>Employer must include pay scale or salary range in job postings + “general description” of benefits and bonus; <i>see</i> Rule 5 of the administrative guidance.</p> <p>Employer must keep postings updated.</p> <p>At the 2023 AILA Annual Conference, an</p>	<p>DLI may order the employer to pay damage and other forms of relief.</p> <p>Civil penalties against employers for non-compliance: up to \$500 for first violation; up to \$1,000 or 10% of damages, whichever is higher, for repeat violations.</p> <p>Applicant or employee may also file a civil lawsuit.</p> <p>RCW 49.58.110, citing to RCW 49.58.060, 070.</p>
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¹² See <https://www.mwe.com/insights/washington-states-pay-transparency-law-takes-effect-january-1-2023/>; and <https://www.thenewstribune.com/jobs/article269527742.html>.

¹³ See <https://app.leg.wa.gov/RCW/default.aspx?cite=49.58>.

¹⁴ See <https://www.lni.wa.gov/workers-rights/docs/ese1.pdf>.

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				<p>AILA member advised that the Washington State Labor & Industries department stated in a chapter meeting that if a posting does not include job qualifications or requirements, similar to a mere “help wanted” ad, the posting does not meet the definition of “job posting” for purposes of this law. Hence, if a PERM petitioner does not include job requirements, the posting <i>might</i> be exempt. (This has not been independently verified.)</p> <p>It offers a “consultation” to review ads for compliance.¹⁵</p>	
<p>Hawaii¹⁶</p> <p>Senate Bill (SB) 1057, amending chapter 378</p>	<p>01/01/ 2024¹⁷</p> <p>Just signed into law on</p>	<p>Must have at least fifty (50) employees.</p> <p>Does <i>not</i> apply to</p>	<p>Appears to apply to any employer with a business “establishment” in the state of Hawaii.</p>	<p>Requires job listings to include an hourly rate or salary range that “reasonably reflects the actual expected</p>	<p>Can file a complaint with the Civil Rights Commission to order appropriate remedy, including affirmative action</p>

¹⁵ <https://lni.wa.gov/workers-rights/wages/equal-pay-opportunities-act/consultation-request>.

¹⁶ https://www.capitol.hawaii.gov/sessions/session2023/bills/SB1057_CD1_.HTM and https://www.capitol.hawaii.gov/hrscurrent/vol07_ch0346-0398/hrs0378/hrs_0378-.htm.

¹⁷ <https://www.natlawreview.com/article/hawaii-enacts-pay-transparency-law>.

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<p>Part I, Hawaii Revised Statute)</p>	<p>07/13/2023</p>	<p>public employees where the salary or benefits are determined pursuant to collective bargaining</p>	<p>Cites to California, Colorado and New York City as examples where such laws have “benefited employers, current employees and prospective employees.”</p>	<p>compensation”.</p> <p>Employer must provide the wage rate upon hire, the employee’ request and annually.</p> <p>Does not apply to positions that are internal transfers or promotions within a current employer.</p> <p>Also prohibits discrimination based on “any protected category” established by state law, not just based on “sex,” by paying such employees less for “substantially similar work.”</p>	<p>(e.g., hiring, reinstatement with or without backpay.)¹⁸.</p> <p>Can seek compensatory or punitive damages in civil actions brought under Part 1, section 378 for discriminatory practices.</p> <p>Possible civil penalties: fines between \$250 and \$2,500.</p> <p>Possible criminal penalties: fines up to \$2,500 and/or up to 1 year of imprisonment.¹⁹</p>
<p>Illinois²⁰</p> <p>House Bill (HB) 3129 amends the Illinois Equal Pay Act of 2003</p>	<p>01/01/2025</p> <p>Just signed into law on 08/11/2023</p>	<p>Employers with fifteen or more employees, for whom employees are gainfully employed in</p>	<p>Applies to positions that will be physically performed, at least in part, in Illinois and to positions that report to a supervisor, office or work site in</p>	<p>Employers must include pay scale and benefits information in all job postings. “Pay scale and benefits” mean “the wage or salary, or the wage or salary range,</p>	<p>Any aggrieved person may file a claim and the Illinois Dept. of Labor may initiate investigations at its discretion or after receiving a complaint, within one year of the alleged violation. The IL DOL will</p>

¹⁸ https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0005.htm.

¹⁹ https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0029_0003.htm.

²⁰ <https://legiscan.com/IL/text/HB3129/2023>.

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		Illinois. ²¹	Illinois. ²²	and a general description of the benefits and other compensation...the employer reasonably expects in good faith to offer for the position. ²³ , The inclusion of a hyperlink to a publicly viewable webpage that includes the pay and benefits suffices.	give the employer a certain amount of days to remedy the violation, depending on whether it is a first or subsequent offense. Penalties if violation is not remedied: for first offense, a fine up to \$500; for second offense, a fine up to \$2,500; for a third offense, a fine up to 10,000. ²⁴ . A civil action can be brought up in circuit court.
Connecticut²⁵ H.B. 6273, proposed 01/19/2023 and substitute passed 04/11/2023, to repeal Section 31-40z of the General Statutes An Act Concerning Disclosure of Salary Ranges on Public and	10/01/2023 if signed into law (the authors ask for any updates from CT practitioners)	Definition of employer includes individuals, several types of companies within the state and the state itself, if using the services of at least one employee for pay; <i>see</i> Section 1 (a)(1).	Any job, promotion, transfer or other employment opportunity that (1) will be performed in the state or (2) will be performed remotely outside of the state but requires the individual performing the role to report to a supervisor, office or other work site in the state (similar to NYS	Wage range means the range of wages for a position, set in good faith by reference to any applicable pay scale, previously determine range of wages for the position, actual range of wages for those employees currently holding comparable positions or the	Breadth of the range provided by the employer shall be one factor relevant to the analysis of whether such wage range has been set in good faith; <i>see</i> Section 1 (f). Action to redress a violation may be maintained in any court of competent jurisdiction by any one or more employees or prospective employees; <i>see</i>

²¹ Section 5 of the Equal Pay Act of 2003 (as amended by HB 3129).

²² Section 10, b-25 of the Equal Pay Act of 2003 (as amended by HB 3129).

²³ Section 10, b-25 of the Equal Pay Act of 2003 (as amended by HB 3129).

²⁴ Section 30, c-10 of the Equal Pay Act of 2003 (amended by HB 3129).

²⁵ https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB06273&which_year=2023.

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<p>Internal Job Postings</p> <p>Addition to existing pay equity law from 06/07/2021 HB 6380 related to wage range disclosure to job applicants and existing employees</p>			<p>law); <i>see</i> Section 1 (g).</p>	<p>employer’s budgeted amount for the position; <i>see</i> Section 1 (a)(4).</p> <p>No employer shall fail to disclose in each public and internal posting for each job, promotion, transfer or other employment opportunity, the wage, or wage range, and a general description of the benefits; <i>see</i> Section 1 (b)(9).</p>	<p>Section 1 (d).</p> <p>Employer can be held liable for compensatory damages, or statutory damages of \$1,000 to \$10,000, whichever is greater; attorney’s fees and costs; punitive damages; and such legal and equitable relief as the court deems just and proper; <i>see</i> Section 1 (d).</p> <p>Action must be brought within 2 years after violation; <i>see</i> Section 1 (e).</p>
<p>Washington, D.C.²⁶</p> <p>Several bills introduced in 2023 in the Council of the District of Columbia to amend the Wage Transparency Act of 2014, including:</p> <ul style="list-style-type: none"> - Pay Range Act of 2023, D.C. bill B25-0026 - Pay Scale and Benefits Disclosure Amendment Act of 2023, D.C. bill 	<p>N/A for now</p>	<p>E.g.: Any individual, company or D.C. government who uses the services of at least 1 individual for pay in the district.</p> <p>E.g.: Only those using at least 25 individuals for pay in the district and excluding D.C. government.</p>	<p>Unknown at this time.</p>	<p>E.g.: Employer may not advertise a job, promotion or transfer opportunity without posting the minimum salary or hourly pay range for the position in the advertisement; this means the lowest to highest salary the employer in good faith believes at the time of posting that it would pay.</p> <p>E.g.: Employers are</p>	<p>E.g.: The Worker’s Rights and Antifraud Section of the Office of the Attorney General Public Advocacy Division will issue rules to implement and enforce the Act.</p>

²⁶ <https://news.bloomberglaw.com/daily-labor-report/d-c-explores-pay-equity-law-to-fix-one-of-worst-wage-gaps-in-us>.

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B25-0194				required to provide minimum and maximum projected wages in job listings; position descriptions; and non-wage compensation for positions advertised	
<p>New Jersey²⁷</p> <p>- Assembly, No. 4285, introduced 06/16/2022</p> <p>An Act concerning job postings and supplementing Title 34 of the Revised Statutes</p> <p>- Assembly, No. 3927, introduced 05/12/2022</p> <p>An Act concerning transparency in employment listings and supplementing Title 34 of the Revised Statutes</p>	<p>N/A for now</p> <p>Could take effect immediately</p>	<p>E.g.: At least ten employees over twenty calendar weeks and does business, employs persons or takes applications for employment within the state.</p> <p>E.g.: At least five employees.</p>	<p>E.g.: Physical location is in whole or substantial part, within the state.</p> <p>Job includes any type of work for pay.</p>	<p>E.g.: An advertisement for employment in the state on any platform must include at least:</p> <p>Minimum and maximum salary or hourly wage rate range.</p> <p>Any supplemental compensation.</p> <p>Description of the benefits, including but not limited to paid leave, health care and dental plans.</p> <p>Retirement plans.</p>	<p>E.g.: Civil penalty not to exceed \$1,000 for first violation, \$5,000 for second violation and \$10,000 for each subsequent violation.</p> <p>Collectible by the Commissioner of Labor and Workforce Development in a summary proceeding as per the Penalty Enforcement Law of 1999.</p> <p>Aggrieved person may seek civil action for injunctive relief, compensatory damages, and reasonable attorneys' fees and court fees.</p>
Massachusetts ²⁸	N/A for now	At least fifteen employees in	Unknown at this time.	Pay range means the annual salary range or	AG may obtain injunctive or

²⁷ <https://www.njleg.state.nj.us/bill-search/2022/A3937> and https://pub.njleg.gov/Bills/2022/A4500/4285_I1.HTM.

²⁸ <https://malegislature.gov/Bills/193/HD2814>.

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<p>House No. 1849, introduced 01/19/2023</p> <p>An Act relative to salary range transparency, amending Chapter 149 of the General Laws and inserting new Section 105E</p>		<p>Massachusetts.</p>		<p>hourly wage range or other compensation that the employer reasonably and in good faith expects to pay for such position at the time; <i>see</i> Section 1, Section 105E(a)</p> <p>Must disclose the pay range for a particular employment position within the advertising or posting of the position; <i>see</i> Section 1, Section 105E(b).</p>	<p>declaratory relief.</p> <p>Warning for first offense and not more than \$500 for second offense. Third or subsequent offense subject to section 27C(b)(1) and (2) of Chapter 149.</p>
<p>Maine²⁹</p> <p>Bill HP 583, introduced 03/02/2023</p> <p>An Act to Require Employers to Disclose Pay Ranges and Maintain Records of Employees' Pay History</p> <p>Creates Section 622-A. Pay Transparency</p>	<p>N/A for now</p>	<p>At least ten employees (if fewer, must provide on request to job applicant)</p>	<p>Unknown at this time.</p>	<p>Any posting of employment opening must include a statement that lists the range of pay the employer will offer to a successful applicant.</p> <p>Posting means an advertisement or other listing of an employment opening that is published or placed as a notice or invitation to potential applicants.</p>	<p>Unknown at this time.</p>

²⁹ https://legislature.maine.gov/legis/bills/display_ps.asp?LD=936&snum=131.

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<p>Oregon³⁰</p> <p>Senate Bill 925 amending ORS 659A.357 and 659A.360, prohibiting job advertisements without pay range disclosure apparently shelved over concerns about free speech.</p>	<p>N/A for now</p> <p>Would become effective 01/02/2024</p>	<p>Employer is defined in ORS 652.210 (employment agency also subject)</p>	<p>Positions that will be performed in whole or in part in the state; <i>see</i> Section 4.</p>	<p>Job posting is any written or printed communication, whether electronic or hard copy, that shows an employer is recruiting and accepting applications for a specific employment position; <i>see</i> Section 1(e).</p> <p>Pay range means a range from a lowest to the highest salary or hourly wage that an employer would pay in good faith as compensation in accordance with a predetermined compensation schedule or an allocated budget; <i>see</i> Section 1(f).</p> <p>Employer may not fail to advertise an employment, promotion or transfer opportunity without disclosing in the posting the pay range and a general description of the benefits associated with</p>	<p>Individual may file complaint under ORS 659A.820.</p> <p>Commissioner of the Bureau of Labor and Industries may assess civil penalty, starting at \$1,000 for first violation and then not to exceed \$10,000; <i>see</i> Section 6.</p> <p>Individual may also file civil action against employer within one year of conduct; <i>see</i> Section 7.</p>
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³⁰ <https://www.oregonlive.com/business/2023/04/oregon-salary-transparency-bill-shelved-over-free-speech-concerns.html> and <https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB925>.

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				the job; <i>see</i> Section 2.	
<p>Federal Bill H.R. 1599³¹</p>	<p>N/A for now (Introduced in House on 03/14/2023 and referred to House Committee on Education & Workforce)</p>	<p>All employers nationwide would be covered.</p>	<p>Any job subject to the U.S. Fair Labor Standards Act (FLSA)³²</p>	<p>Any public or internal posting for an employment opportunity failing or refusing to disclose wage or wage range is a violation. <i>See</i> §8(a)(1).</p> <p>Where failed to disclose in posting, a violation if fail or refuse to disclose wage or wage range to applicant prior to discussing compensation at any time upon applicant’s request. <i>See</i> §8(a)(2).</p> <p>Wage range defined as range of wages, salaries and other forms of compensation the employer anticipates in good faith relying on in setting pay for the position. May include reference to “any</p>	<p>\$5,000 civil penalty for 1st violation increased by \$1,000 for each subsequent up to \$10,000. <i>See</i> §8(b)(f)(1)(A)</p> <p>Liability to each applicant or employee for statutory damages of \$1,000 to \$10,000 or actual damages plus attorneys’ fees and injunctive relief. <i>See</i> §8(b)(f)(1)(B)</p> <p>Private right of action available. <i>See</i> §8(b)(f)(2)</p> <p>(Unclear if (b) should read (c) here.)</p>

³¹ <https://www.congress.gov/bill/118th-congress/house-bill/1599/text>.

³² <https://uscode.house.gov/view.xhtml?path=/prelim@title29/chapter8&edition=prelim>.

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				applicable pay scale, previously determined wage range, actual range for those currently holding the position, or budgeted amount for the position. <i>See</i> §8(b).	
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