

# Meridian Client Update

## Prevalence of Pay Transparency Laws is Increasing

**Pay transparency laws became effective in three states at the start of 2023 building on a multi-year trend.**

On January 1 of this year, new pay transparency laws went into effect in California, Rhode Island and Washington. Also, a New York law is set to become effective in September. These states add to the growing list of jurisdictions to enact pay transparency laws over the past several years. The new transparency laws follow the generally established model, varying only slightly, such as the minimum size employers covered by the law and the range of available remedies.

The pay transparency laws for select jurisdictions are summarized on the attached table (which has been updated since our last Client Update on this topic).

We anticipate that more jurisdictions will enact pay transparency laws this year and over the next several years.

Companies should assess whether their wage scales or salary ranges are in place for every job position to comply with transparency laws when those positions are posted.

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The *Client Update* is prepared by Meridian Compensation Partners' Governance and Regulatory Team led by Donald Kalfen. Questions regarding this Client Update or executive compensation technical issues may be directed to Donald Kalfen at 847-235-3605 or [dkalfen@meridiancp.com](mailto:dkalfen@meridiancp.com).

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## Transparency Laws Adopted by Select Jurisdictions

Jurisdiction	Covered Employers	Requirements	Jurisdictional Reach	Remedies	Effective Date
California	<ul style="list-style-type: none"> <li>Employers with 15 or more employees (at least one of whom is in CA)</li> </ul>	<ul style="list-style-type: none"> <li>Disclose pay scale in job postings</li> <li>Disclose pay scale to current employees upon request</li> </ul>	<ul style="list-style-type: none"> <li>Law is silent on whether it applies to postings for remote jobs that may be performed in any state</li> </ul>	<ul style="list-style-type: none"> <li>Civil penalties ranging from \$100 to \$10,000 and injunctive relief or other relief as the court deems appropriate</li> </ul>	January 1, 2023
Cincinnati, Ohio	<ul style="list-style-type: none"> <li>Employers with 15 or more employees in Cincinnati</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range to candidates upon request</li> </ul>	<ul style="list-style-type: none"> <li>Law is silent on whether it applies to postings for remote jobs that may be performed in any state</li> </ul>	<ul style="list-style-type: none"> <li>Civil liability including compensatory damages, attorney's fees and costs and equitable relief</li> </ul>	March 13, 2020
Colorado	<ul style="list-style-type: none"> <li>Any employer within the state</li> </ul>	<ul style="list-style-type: none"> <li>Disclose in job posting the compensation range for the position and descriptions of the forms of incentive compensation (but not a specific range or monetary value) and benefits</li> </ul>	<ul style="list-style-type: none"> <li>Law applies if the position either:                             <ul style="list-style-type: none"> <li>Will be performed in Colorado or</li> <li>Can be performed remotely from Colorado</li> </ul> </li> <li>Law does not apply to jobs with a fixed location outside of Colorado</li> </ul>	<ul style="list-style-type: none"> <li>Civil penalties ranging from between \$500 and \$10,000 for each violation</li> </ul>	January 1, 2021
Connecticut	<ul style="list-style-type: none"> <li>Employers with one or more employees</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range for a position to an applicant upon earliest of (a) applicant's request, or (b) prior to or at time applicant is made an offer of compensation</li> <li>Disclose wage range for employee's position upon (i) hiring of employee (ii) promotion and (iii) employee's request</li> </ul>	<ul style="list-style-type: none"> <li>Law applies to applicants or employees who apply for, or work for, a Connecticut employer, even if they work outside the state</li> </ul>	<ul style="list-style-type: none"> <li>Civil liability including compensatory damages, attorney's fees and costs, punitive damages and equitable relief</li> </ul>	October 1, 2021

Jurisdiction	Covered Employers	Requirements	Jurisdictional Reach	Remedies	Effective Date
Ithaca, New York	<ul style="list-style-type: none"> <li>Employers with four or more employees</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range to candidates</li> </ul>	<ul style="list-style-type: none"> <li>Law is silent on whether it applies to postings for remote jobs that could be performed in any state</li> </ul>	<ul style="list-style-type: none"> <li>Penalties up to \$500 or imprisonment up to 15 days or both</li> </ul>	September 1, 2022
Jersey City, New Jersey	<ul style="list-style-type: none"> <li>Employers with five or more employees and a principal place of business in Jersey City</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range to candidates</li> </ul>	<ul style="list-style-type: none"> <li>Law is silent on whether it applies to candidates for positions that could be performed in any state</li> </ul>	<ul style="list-style-type: none"> <li>Penalties up to \$2,000 and/or imprisonment up to 90 days</li> </ul>	April 13, 2022
Maryland	<ul style="list-style-type: none"> <li>Any employer within the state</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range for a position upon a candidate's request</li> </ul>	<ul style="list-style-type: none"> <li>Law is silent on whether it applies to candidates for positions that could be performed in any state</li> </ul>	<ul style="list-style-type: none"> <li>Civil penalties of \$300 or \$600 or more if merited</li> </ul>	October 1, 2020
Nevada	<ul style="list-style-type: none"> <li>Any employer within the state</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range to candidates</li> <li>Disclose wage range upon request of employee in connection with a transfer or promotion</li> </ul>	<ul style="list-style-type: none"> <li>Law is silent on whether it applies to positions that could be performed in any state</li> </ul>	<ul style="list-style-type: none"> <li>Civil penalties up to \$5,000 for each violation and attorney's fees and investigative costs</li> </ul>	October 1, 2021
New York (City)	<ul style="list-style-type: none"> <li>Employers with four or more employees or one or more employees who work in New York City</li> </ul>	<ul style="list-style-type: none"> <li>Disclose minimum and maximum salary employer (in good faith believes at time of posting) is willing to pay for advertised job, promotion or transfer opportunity</li> </ul>	<ul style="list-style-type: none"> <li>Law applies to positions that can or will be performed, in whole or in part, in New York City, whether from an office, in the field or remotely from the employee's home</li> </ul>	<ul style="list-style-type: none"> <li>Civil penalties of up to \$250,000 per violation</li> </ul>	November 1, 2022
New York (State)	<ul style="list-style-type: none"> <li>Employers with four or more employees</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range to candidates</li> <li>Disclose job description for such job, promotion or transfer opportunity (if description exists)</li> </ul>	<ul style="list-style-type: none"> <li>Law applies to positions that can or will be performed, in whole or in part, in the state of New York</li> </ul>	<ul style="list-style-type: none"> <li>Penalties up to \$1,000 to \$3,000 per violation</li> </ul>	September 17, 2023

Jurisdiction	Covered Employers	Requirements	Jurisdictional Reach	Remedies	Effective Date
Rhode Island	<ul style="list-style-type: none"> <li>Any employer within the state</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range to candidates upon request</li> <li>Disclose wage range to an employee at time of hire and at any time upon request</li> <li>Disclose wage range in connection with a transfer or promotion</li> </ul>	<ul style="list-style-type: none"> <li>Law silent on whether it applies to applicants for remote jobs that may be performed in any state</li> <li>Law applies to employees in a position “in which all or the greater part of the work is to be performed within the state”</li> </ul>	<ul style="list-style-type: none"> <li>Civil penalties ranging from \$1,000 to \$5,000 per violation</li> <li>Civil liability including compensatory damages, special damages up to \$10,000, attorney’s fees and costs and equitable relief</li> </ul>	January 1, 2023
Toledo, Ohio	<ul style="list-style-type: none"> <li>Employers with 15 or more employees in Toledo</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range to candidates upon request</li> </ul>	<ul style="list-style-type: none"> <li>Law silent on whether it applies to postings for remote jobs that may be performed in any state</li> </ul>	<ul style="list-style-type: none"> <li>Civil liability including compensatory damages, attorney’s fees and costs and equitable relief</li> </ul>	June 25, 2020
Washington	<ul style="list-style-type: none"> <li>Employers with 15 or more employees</li> </ul>	<ul style="list-style-type: none"> <li>Disclose in each posting for each job opening:               <ul style="list-style-type: none"> <li>The wage scale or salary range and</li> <li>A general description of all benefits and other compensation</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Law silent on whether it applies to postings for remote jobs that may be performed in any state</li> </ul>	<ul style="list-style-type: none"> <li>Civil penalties ranging from \$500 for a first violation to \$1,000 or 10% of damages (whichever is greater) for a repeat violation</li> <li>Individual may recover actual damages (wages) and double statutory damages (or \$5,000, whichever is greater)</li> </ul>	January 1, 2023
Westchester County, New York	<ul style="list-style-type: none"> <li>Any employer within the state</li> </ul>	<ul style="list-style-type: none"> <li>Disclose wage range to candidates</li> <li>Will become null and void on the day that New York statewide legislation takes effect</li> </ul>	<ul style="list-style-type: none"> <li>Applies to positions that can or will be performed, in whole or in part, in Westchester County, including jobs that can be done remotely</li> </ul>	<ul style="list-style-type: none"> <li>Civil penalties up to \$250,000</li> <li>Civil liability including compensatory damages, attorney’s fees and costs, punitive damages and equitable relief</li> </ul>	November 6, 2022