



- d. FURTHERMORE, THE EMPLOYER CANNOT RELY ON COMPARISONS AMONG THOSE WHO SHARE THE SAME TITLE TO ENSURE PAY EQUITY.
 - i. MUST CONSIDER WAGE RATES AMONG EMPLOYEES WHO HOLD DIFFERENT, BUT "SUBSTANTIALLY SIMILAR," ROLES.
 - ii. GROUPINGS OR CLASSES OF JOBS - NOT INDIVIDUAL POSITIONS.
- e. UNDER THE NEW LAW EMPLOYERS CANNOT COMPARE BETWEEN MEMBERS OF THE OPPOSITE SEX.
 - 1. MUST NOW CONSIDER ALL OTHER PROTECTED CATEGORIES
- f. EMPLOYERS CAN STILL PAY EMPLOYEES DIFFERENTLY BASED ON GEOGRAPHIC LOCATION.
 - i. EMPLOYERS DON'T HAVE TO PAY EMPLOYEES WORKING IN ITHACA THE SAME AS THOSE IN NYC.
 - ii. HOWEVER, SMALL GEOGRAPHIC CLASSES ARE PROHIBITED.
 - 1. NOTHING SMALLER THAN COUNTIES.
 - 2. EMPLOYEES SHALL BE DEEMED TO WORK IN THE SAME ESTABLISHMENT IF THE EMPLOYEES WORK FOR THE SAME EMPLOYER AT WORKPLACES LOCATED IN THE SAME GEOGRAPHICAL REGION, NO LARGER THAN A COUNTY, TAKING INTO ACCOUNT POPULATION DISTRIBUTION, ECONOMIC ACTIVITY, AND/OR THE PRESENCE OF MUNICIPALITIES.



- iii. EMPLOYERS CANNOT PROHIBIT EMPLOYEES FROM INQUIRING ABOUT, DISCUSSING, OR DISCLOSING THE WAGES OF OTHER EMPLOYEES.
 - iv. HOWEVER, AN EMPLOYER MAY ADOPT A WRITTEN POLICY ESTABLISHING REASONABLE WORKPLACE AND WORKDAY LIMITATIONS ON THE TIME, PLACE AND MANNER FOR DISCUSSIONS ABOUT WAGES.
 - 1. COMMISSIONER WILL PROVIDE GUIDANCE ON THESE LIMITATIONS.
 - 2. THESE LIMITATIONS MAY PROHIBIT EMPLOYEES FROM DISCUSSING OR DISCLOSING THE WAGES OF ANOTHER EMPLOYEE WITHOUT SUCH EMPLOYEE'S PRIOR PERMISSION.
 - v. NOTHING IN THIS SUBDIVISION SHALL REQUIRE AN EMPLOYEE TO DISCLOSE HIS OR HER WAGES.
- g. THE DOL'S GUIDANCE MAY BE FOUND:
<https://labor.ny.gov/formsdocs/factsheets/pdfs/p828.pdf>



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