

An Ordinance Amending Chapter 215 of the City of Ithaca Municipal Code Entitled “Human Rights Protection” in Relation to Unlawful Discriminatory Practices

WHEREAS, the City of Ithaca has a long-standing commitment to provide protection against discrimination to its residents in the area of employment, and

WHEREAS, the U.S. workforce has a well-documented racial and gender pay gap, and

WHEREAS, research in the field of labor economics finds that hourly and salary compensation transparency improves pay equity and improves employee retention for employers; now, therefore

ORDINANCE 2022 - 03

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca as follows:

Section 1. Legislative findings, intent, and purpose.

The Common Council makes the following findings:

1. The City of Ithaca has an interest in providing protection against discrimination to its residents.
2. Equitable employer-employee relations are a matter of public welfare.
3. Wage transparency empowers employees to make informed decisions about personal financial and economic stability.

Based upon the above findings, the intent and purpose of this ordinance is to foster wage transparency in the employer-employee relationship in the city.

Section 2. §215-2, “Definitions”, is hereby amended so that the following particular Definitions shall read as follows, without change to other Definitions included in 215-2:

EMPLOYEE

An individual who performs services for and under the control and direction of an employer for wages or other remuneration, but not including any individual employed by his or her parents, spouse or child, or in the domestic service of any person, nor any person whose work qualifies under applicable New York State law as that of an independent contractor.

EMPLOYER

Any person, firm, partnership, institution, corporation, or association that employs one or more employees, but not including any such entity with fewer than four employees in its employ.

EMPLOYMENT AGENCY

Any person undertaking to procure employees or opportunities to work as an employee.

Section 3. §215-3 of the City Code is hereby amended to add at the end thereof a new subsection F to read as follows:

F. Employment; minimum and maximum compensation in job listings.

1. It shall be an unlawful discriminatory practice for an employment agency, employer, employee or agent thereof to advertise an opportunity for employment as an employee, including a job, promotion or transfer opportunity without stating the minimum and maximum hourly or salary compensation for such position in such advertisement. In stating the minimum and maximum hourly or salary compensation for a position, the range may extend from the lowest to the highest hourly or salary compensation the employer in good faith believes at the time of the posting it would pay for the advertised job, promotion or transfer opportunity.
2. This subdivision does not apply to an employer that employs fewer than four employees whose standard work locations are in the city.
3. This subdivision does not apply to a job advertisement for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the labor law.

Section 4. Severability Clause.

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date.

This ordinance shall take effect on September 1, 2022, and in accordance with law upon publication of notices as provided in the Ithaca City Charter.