
Massachusetts Job Postings to Include Pay Ranges Starting Summer 2025

Description

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Massachusetts will be joining the growing number of states requiring pay ranges be included in advertisements and provided in certain other circumstances. Specifically, Massachusetts Governor Maura Healey signed into law H.4890, the “Frances Perkins Workplace Equity Act” (the “Act”) containing both pay range disclosure requirements (effective July 31, 2025) and, for larger employers, a requirement to report new wage data to the state (effective February 1, 2025). The good news is that until January 31, 2027, employers will not be fined for failure to provide pay ranges to employees and applicants unless they are provided two business days’ notice and fail to cure the omission. After January 31, 2027 (or prior to that date if an employer does not cure a violation in the two business days), the first violation will be a warning, the second will be a fine of \$500, the third will be a fine of \$1,000, and after that the fines will be \$7,500-\$25,000. One or more job postings within a 48-hour period will be considered one violation. There is no private cause of action for noncompliance.

Specific Pay Range Requirements

Starting July 31, 2025, employers with 25 or more employees working in Massachusetts must disclose the pay range of a particular position: (i) affirmatively in any advertisement or job posting; (ii) affirmatively to an employee who is offered a new position with different job responsibilities; and (iii) upon request by a current employee or applicant for a position they currently hold or are applying for. “Pay range” is defined as the “annual salary range or hourly wage range that the covered employer reasonably and in good faith expects to pay for such position at that time.” Unlike many similar laws in other states, the law also does not require disclosure of additional compensation, such as commissions, bonuses, or benefits.

The interpretation of other similar state statutes has afforded a wide amount of flexibility and discretion as to how an employer sets a pay range. This likely means an employer does not need to ensure the pay range identified is consistent with what other employees are paid for the position or that the final salary offered fits within the pay range. Despite the anticipated flexibility, these laws often leave employers with the tough choice between identifying a lower range, which may keep current employees happy and avoid unreasonable wage requests, or including a higher end range, which may result in better quality applicants. Additional complications occur when the job can be performed remotely in multiple jurisdictions, which might normally impact the wage offered and which might require additional information be included about the compensation range.

The legislation does not explicitly make a distinction between remote positions which are or can be performed in Massachusetts, but it is likely the requirement will not extend to positions that truly will not be performed in Massachusetts. Employers will be prohibited from discriminating against employees or applicants who request pay ranges starting July 31, 2025.

Wage Data Reporting

Starting February 1, 2025, the law will impose new wage data reporting requirements on employers with not less than 100 employees working in Massachusetts at any time during the prior calendar year. Employers must submit wage data by race, ethnicity, sex, and job category annually to the Secretary of State, which will then be published through aggregate wage reports by the Executive Office of Labor and Workforce Development. It

appears that individual level data identifying employers and employees will not be published as suggested by the term “aggregate” in describing the wage and workforce data to be published by Executive Office of Labor and Workforce Development’s website.

Next Steps for Employers

Employers should prepare for the law’s implementation by evaluating their current pay structures. In that process, Employers should consider making adjustments to compensation for employees being paid below market to avoid unrest once the pay ranges for open positions are visible, as well as consider implementing more precise job titles, so that employees do not compare their compensation to positions that are not truly the same.

The [Employment & Labor](#) Practice Group at [Partridge Snow & Hahn LLP](#) is available to answer questions about Massachusetts’ new Pay Transparency law. For more information, or assistance with compliance, please contact [Alicia J. Samolis](#), [Michael A. Gamboli](#), [Sean M. Fontes](#), or [Morgan E. Hedly](#).

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