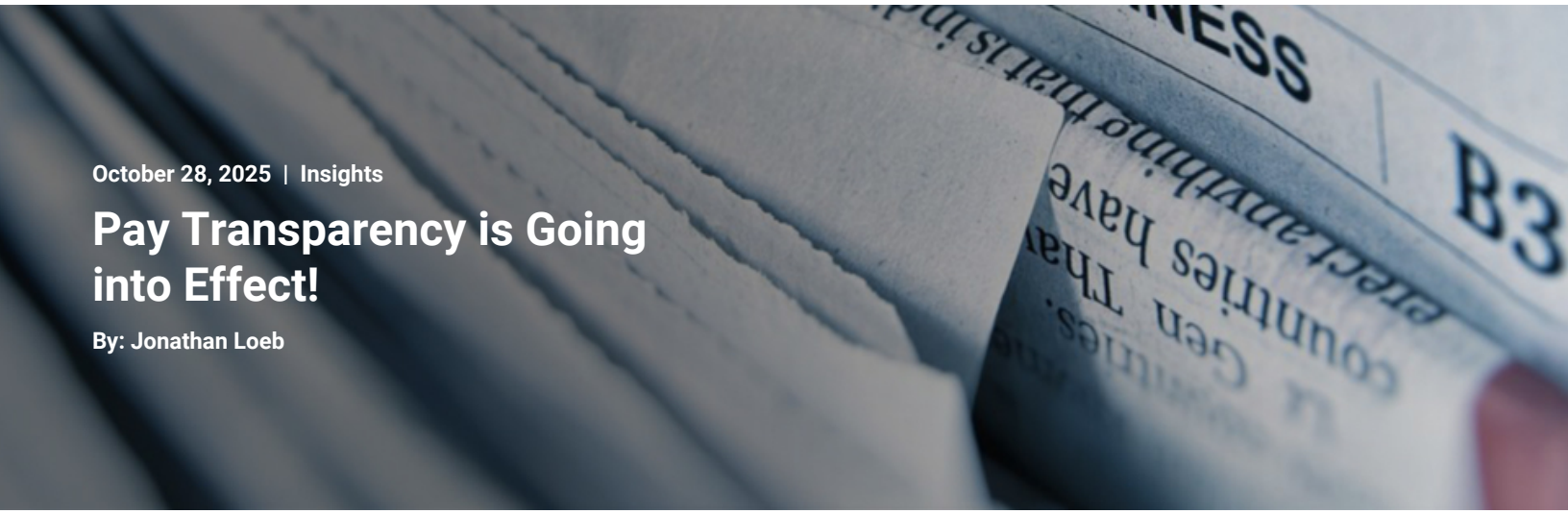


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Pay Transparency is Going into Effect!

By: Jonathan Loeb

As previously reported, Governor Maura Healey signed into law An Act Relative to Salary Range Transparency (H.4890) on July 31, 2024. The Act requires certain employers to provide transparency with regard to salaries in job postings, while providing protection to those employees that seek information about salary ranges. These requirements, that can be found in Massachusetts General Laws, Chapter 149, § 105F, will become effective October 29, 2025.

What employers are subject to the new pay transparency requirements?

Under the Act, "covered employers" are any employer, public or private, that employs 25 or more employees in Massachusetts.

What do employers need to disclose?

Covered employers must provide the pay range for each position advertised. The "pay range," as defined under the law, is 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." The responsibility is on the employer to ensure the stated pay range is what they actually expect it to be. Penalties for violations of this law can add up quickly, as further discussed below.

When do employers need to disclose salary ranges?

Beginning October 29, 2025, employers or their agents must provide the pay range for each specific position in job postings. This is true regardless of whether the employer is directly recruiting themselves or indirectly through a third party. This applies to potential employees applying for a position, as well as current employees being offered a promotion, or transfer, to a new position with different job responsibilities. Employers must also provide the pay range for a particular position to an employee holding that position upon request.



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What protections are in place for employees that exercise their rights to pay transparency?

Employers are not permitted to discharge or otherwise retaliate or discriminate against any employee or applicant that does any of the following:

- Requests pay ranges as permitted under MGL c. 149 § 105F;
- Complains of alleged violations of MGL c. 149 § 105F to the employer, agents of the employer or the Attorney General;
- Institutes or causes to be instituted any proceeding under MGL c. 149 § 105F; or
- Testifies, or is about to testify, in any such proceeding.

What are the penalties for violations of MGL c. 149 § 105F?

The penalties grow with the number of violations committed, with the Commonwealth considering a violation to be one or more job postings made by the same employer during a 48-hour period.

A first offense is subject to a warning, a second offense results in a fine of not more than $500, and a third offense results in a fine of not more than $1,000. Subsequent violations can result in penalties of as much as $25,000 per violation.

Rich May will continue to monitor the implementation of this new law and will provide further updates as they become available. If you have any questions about the new pay transparency law and how it could impact your business, please contact Jonathan Loeb.

Disclaimer: This summary is provided for educational and informational purposes only and is not legal advice. Any specific questions about these topics should be directed to attorney Jonathan Loeb.

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