

## **New York State Senate and Assembly Pass Legislation That Requires Greater Transparency for Job Postings**

June 29, 2026

*Source: Saiber Employment Law Alert*

The New York State Senate and Assembly recently passed S8877, which awaits the signature of Governor Kathy Hochul. The legislation seeks to address the growing issue of “ghost jobs,” a practice that has defined the modern job search, creating a sense of frustration among job seekers.

“Ghost jobs” are job postings that initially appear to advertise legitimate opportunities but are actually inactive listings for which employers have no intention to hire. Rather, by posting these “ghost” positions, companies seek to create the appearance that the organization is growing or build a pipeline of candidates for future openings. Critics say the practice misleads applicants, wasting their time and negatively impacting morale.

S8877 is intended to combat this issue and promote transparency in hiring. S8877 would require employers and third-party job platforms to clearly disclose, in bold and capitalized text, which of the following conditions apply to each posting:

1. The position is an active vacancy that is expected to be filled within 90 days. If so, the posting must include a start date.
2. The position is an active vacancy but is not expected to be filled within 90 days of the posting date. If so, the posting must include a “no sooner than” date.
3. There is no current vacancy, and the employer is collecting resumes solely for future opportunities.

This legislation would also require employers to remove job postings once a role has been filled. Employers that fail to comply could face penalties that begin at \$2,500 per violation.

Although New Jersey has not yet enacted similar legislation, lawmakers are considering S2136, which would require employers to disclose if a job posting reflects an active opening and when the position is expected to be filled.

If you have any questions regarding the above alert, please contact Jennifer O'Connor of Saiber LLC's Employment & Labor Law practice group.

*The preparation of this alert was assisted by the research of summer associate **Preya Singh**.*