

What NYC Employers Need to Know about New Salary History Law

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Earlier this month, New York City Mayor Bill de Blasio signed a bill prohibiting employers from asking job candidates about their salary history. The new law will go into effect on October 31, 2017.

Beginning on October 31, 2017, questions about a job applicant's previous compensation, and an employer's reliance on that information in determining an applicant's compensation, will constitute unlawful discrimination under the New York City Human Rights Law. However, if an applicant *voluntarily* and *without prompting* discloses salary history to an employer, the employer may consider that information in determining the applicant's salary, benefits, and other compensation.

New York City joins Massachusetts and Philadelphia in barring employers from asking about a job applicant's pay history. (The Massachusetts provision, **discussed here**, goes into effect on July 1, 2018. The Philadelphia ordinance has been stayed pending the resolution of a legal challenge to the measure.) Legislatures in over 20 states, including California, Georgia, and Vermont, are considering passing similar legislation.

New York City employers should review their hiring practices and update them conform to the requirements of the new law. Any questions about salary history must be removed from job applications, background checks, and other verification inquiries. Additionally, human resources and other recruiting personnel should become familiar with the parameters of the law, especially the distinction between unlawful questions by an interviewer and voluntary disclosures by an applicant.

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