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Reminder: NYC Ban on Salary History Inquiries Takes Effect at End of Month

October 13, 2017

Employment

Beginning October 31, 2017, New York City employers will no longer be permitted to ask job applicants about their salary history or rely on a job applicant's salary history in determining the potential salary or benefits for that applicant. The new legislation, which applies to all employees working in New York City and was signed by Mayor Bill de Blasio in May, amended the New York City Human Rights Law by making it an "unlawful discriminatory practice" for an employer to ask an applicant, the applicant's former or current employer, or a co-worker of the applicant about the applicant's salary history. The law, as described in [a press release by the Mayor's office](#), represents a "major step toward achieving pay equity" by ensuring "that prospective job applicants have a fair and just hiring process."

NYC employers are also prohibited from conducting any form of search through publicly available information for an applicant's salary history. "Salary history" includes an applicant's current or prior wage, as well as benefits and any other form of compensation received by the applicant.

However, there are certain exceptions, including that employers may consider (and verify) salary information for the purpose of formulating salary, benefits, and compensation where an applicant voluntarily and without prompting discloses his or her salary history. Employers may also discuss with an applicant his or her expectations with respect to salary, so long as they do not inquire about salary history. In addition, the law will not apply to internal transfers or promotions by a current employer, or where disclosure or verification of salary history is required by law.

Before October 31, employers in New York City should review their job applications and other hiring documents to ensure compliance with the law. Recruiters, hiring managers, and/or human resources personnel should also be informed of the restrictions on salary inquiries.

If you have any questions concerning the material discussed in this client alert, please contact the following members of our Employment practice:

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