

STATE GUIDE

SALARY HISTORY BAN LAWS

Over the past several years the “salary history ban” movement has continued to spread at the local, county and state level. This legislation restricts the use of salary history information and prohibits employers from inquiring about an applicant’s previous or current salary during the hiring process. Although each jurisdiction has unique provisions to their laws, the primary aim of this movement is to address the wage gap between men and women and to prevent the perpetuation of wage inequality. These laws are predicated on what numerous studies have repeatedly confirmed: Women historically and statistically earn less than men in the same or similar positions.¹

Consequently, workers who have experienced pay discrimination in the past will continue to experience this discrimination in potential jobs if the proposed salary is based on previous pay. Prohibiting the inquiry and restricting the use of salary history information allows for salary offers to be based on the job responsibilities of the position sought, the applicant’s skillset and previous experience—not based on the prior wages earned.

¹ U.S. Department of Labor, U.S. Bureau of Labor Statistics, Women in the Labor Force: A Databook, November 2017: <https://www.bls.gov/opub/reports/womens-databook/2017/home.htm>

SALARY HISTORY BAN LAWS

LOCATIONS WITH RESTRICTIONS SNAPSHOT

Click your state below to learn more about specific legislation that impacts your business:

Jurisdictions

California

[California \(Statewide\)](#)

[San Francisco, CA \(City\)](#)

Colorado

[Colorado \(Statewide\)](#)

Connecticut

[Connecticut \(Statewide\)](#)

Delaware

[Delaware \(Statewide\)](#)

Hawaii

[Hawaii \(Statewide\)](#)

Illinois

[Illinois \(Statewide\)](#)

Maine

[Maine \(Statewide\)](#)

Maryland

[Maryland \(Statewide\)](#)

Massachusetts

[Massachusetts \(Statewide\)](#)

Michigan

[Michigan \(Statewide\)](#)

Missouri

[Kansas City](#)

New Jersey

[New Jersey \(Statewide\)](#)

New York (Statewide)

[Albany County, NY \(County\)](#)

[New York City, NY \(City\)](#)

[Suffolk County, NY \(County\)](#)

[Westchester County, NY \(County\)](#)

Ohio

[Cincinnati, OH \(City\)](#)

[Toledo, OH \(City\)](#)

Oregon

[Oregon \(Statewide\)](#)

Pennsylvania

[Philadelphia, PA \(City\)](#)

Puerto Rico

[Puerto Rico \(Territory Wide\)](#)

Washington

[Washington \(Statewide\)](#)

Wisconsin

[Wisconsin \(Statewide\)](#)

Vermont

[Vermont \(Statewide\)](#)

Jurisdiction-specific Information

Note: The following represents a high-level snapshot of each ordinance or law. Asurint continually reviews this guide for accuracy and completeness, but it may be possible an applicable law is missing or outdated. Consultation with qualified legal counsel is recommended to determine if and how these laws impact your hiring process.

ALBANY COUNTY, NY

(County)

Human Rights Law for Albany County: Local Law P

[Read full law here](#)

Applies to employers with four or more employees.

Employers or agents are prohibited from:

- Screening job applicants based on their wage, including benefits, other compensation or salary histories.
- Requiring an applicant to disclose salary history information as a condition of being interviewed or as a condition of continuing to be considered for employment.
- Seeking salary history of any job applicant from any current or former employer.

A job applicant may provide written authorization to a prospective employer or agency to confirm prior wages, only after an employment offer with compensation has been made to the job applicant.

Enforcement

Albany Commission on Human Rights may impose fines for compensatory damages and the law allows individuals to file suit for alleged violations.

CALIFORNIA

(Statewide)

Assembly Bill 168; The Fair Pay Act Assembly Bill 2282

[Read full law here](#)

Under AB 168, employers or agents are prohibited from:

- **Inquiring about salary information, benefits and compensation, both orally and in writing, and**
- **Relying on the salary history information as a factor in determining whether to offer an applicant employment or what salary to offer.**

Upon reasonable request, the employer must provide pay scale information for the position being applied to. Applicants can voluntarily and “without prompting” disclose salary history information. In that event, employers may consider or rely on that voluntarily disclosed information in deciding the salary for the applicant. However, nothing in AB 168 allows prior salary, by itself, to justify any disparity in compensation. (Note: the phrase “by itself” will be removed January 1, 2019).

In July 2018, the Fair Pay Act (AB 2282) was signed and clarifies several components of AB 168. These changes take effect January 1, 2019.

First, several terms are defined:

- Applicant or applicant for employment: an individual seeking employment and is not a current employee.
- Reasonable request: request made after an applicant has completed an initial interview.
- Pay scale: salary or hourly wage.

The Fair Pay Act also allows employers to ask an applicant about his or her salary expectations for the position. Finally, AB 2282 amends California’s Equal Pay Act and allows employers to make a compensation decision based on an employee’s current salary provided any wage differential resulting from that decision is justified by one or more factors including a seniority or merit system.

Enforcement

California’s Equal Pay Act is enforced by the California Division of Labor Standards Enforcement. Individuals also have a private right of action. A violation of the restrictions in AB 168 is considered a misdemeanor.

CINCINNATI, OH

(City)

Ordinance No. 83-2019: Chapter 804 of the Cincinnati Municipal Code, "Prohibited Salary History Inquiry and Use"

[Read full law here](#)

Effective March 12, 2019, Ordinance No. 83-2019 prohibits employers or agents from:

- ***Inquiring about a candidate's salary history,***
- ***Screening job candidates based on salary history, including requiring that prior salary history meets minimum or maximum criteria,***
- ***Using salary history to make hiring decisions or set compensation, and***
- ***Refusing to hire or otherwise retaliating against a candidate who does not disclose his/her salary history information.***

Salary history includes the candidate's current or prior wage, benefits or other compensation. However, salary history does not include objective measures of the candidate's productivity such as revenue, sales or other production reports.

Employers are also required to provide the relevant pay scale for a position when a candidate has received a conditional offer of employment and requests that information.

Employers are still free to inform candidates about the proposed salary or salary range, seek prior sales or revenue reports and discuss salary expectations with the candidate, so long as there are no questions about salary history.

Additionally, Ordinance No. 83-2019 outlines several exemptions for:

- Candidates for internal transfers or promotions,
- Voluntary and unprompted disclosures of salary history by candidates, and
- Candidates who are re-hired by the employer within five years of the candidate's most recent date of termination.

Enforcement

Prior to March 12, 2019, the Cincinnati City Council will create a Salary History Implementation Working Group (Working Group), whose purpose is to assist and advise Cincinnati employers on the impact and implementation of this ordinance. The City Manager will chair the Working Group.

If an employer violates the ban, affected candidates can bring a private action to recover compensatory damages, reasonable attorney's fees, costs and equitable relief. There is a two-year statute of limitations for commencing such actions.

COLORADO

SB85

[Read full law here](#)

Effective January 1, 2021

Through passage of SB85, Colorado amended its pay equity law. As part of the amendments, SB95 prohibits employers from seeking or relying on the wage rate history of a job applicant. Further, employers may not discriminate or retaliate against a job candidate for failing to disclose such information, or against an employee who seeks to invoke the law or assist with its enforcement.

The amendments also include language prohibiting employers from taking action against employees who discuss wage rates. Employers may also not require employees to sign a waiver that prohibits them from disclosing wage rate information or deny the employee the right to disclose wage rate information. The law takes effect January 1, 2021.

Enforcement

Individuals are permitted to file a civil action against the employer for wage discrimination complaints. Additionally, the Director of the Division of Labor Standards and Statistics in the Department of Labor and Employment may enforce actions against an employer for transparency in pay and employment opportunity issues which may include fines between \$500 and \$10,000 per violation.

CONNECTICUT

(Statewide)

Connecticut Public Act No. 18-8: An Act Concern Pay Equity

[Read full law here](#)

Effective January 1, 2019

With respect to salary history, employers are prohibited from inquiring into a prospective employee's salary history, either directly or through a third party, at any point during the hiring process, although the employee may voluntarily disclose such information.

The law does not prohibit an employer from inquiring about "other elements of a prospective employee's compensation structure," (such as stock options, equity incentives, profit sharing, etc.) as long as the employer does not inquire about the value of these elements.

Effective October 1, 2021

The state has other legislation that addresses pay equity. Connecticut employers with one (1) or more employees will be required to provide a prospective employee with "wage range" information for the open position being applied to. This needs to occur either when the applicant requests the information *or* prior to/at the time the applicant is made an offer of compensation (whichever happens first). The law provides a definition for "wage range." For current employees, wage range must be provided for the position upon hiring, a change in the employee's position, or at the employee's first request for the information.

Employers were previously prohibited from paying employees of the opposite sex less money for "equal" work. The language of the law has been amended to "comparable" work. Factors such as skill, effort, and responsibility are evaluated when deeming if work is considered comparable.

The law also explains what bona fide reasons are for a pay a differential. [Public Act No. 21-30 An Act Concerning the Disclosure of Salary Range for Vacant Positions'](#)

Enforcement

Individuals are permitted to file lawsuits for compensatory damages, attorney's fees and costs, and punitive damages within two (2) years after any alleged violation.

DELAWARE

(Statewide)

Title 19 Of The Delaware Code Relating to Unlawful Employment Practices (§709B. Unlawful employment practices; compensation history)

Read full law here

Employers are prohibited from:

- ***Screening applicants based on their compensation histories, including by requiring that an applicant's prior satisfy minimum or maximum criteria.***
- ***Seeking the compensation history of an applicant from the applicant or a current or former employer.***

Employers are allowed to discuss and negotiate compensation expectations provided the employer does not request or require the applicant's compensation history. Employers may also seek the applicant's compensation history after an offer of employment with terms of compensation has been extended to the applicant and accepted, for the sole purpose of confirming that compensation history.

Applicant is defined as a prospective employee applying for employment. Arguably the law does not apply then to current employees. "Compensation" includes monetary wages as well as benefits and other forms of compensation.

Enforcement

The law is enforced by the Department of Labor and penalties include \$1,000-\$5,000 (first offense) and \$5,000-\$10,000 (each subsequent offense). Additionally, a civil claim may be filed in any court of competent jurisdiction.

HAWAII

(Statewide)

Senate Bill 2351

[Read full law here](#)

Effective January 1, 2019

Employers are prohibited from inquiring into and relying on salary history in determining the salary, benefits and other compensation for an applicant during the hiring process (including the negotiation of an employment contract). Salary history does not include information that speaks to an applicant's productivity, such as revenue or sales. "Inquire" is defined broadly under the law to also include conducting a search of publicly available records or reports for the purpose of obtaining an applicant's salary history.

Employers may discuss the applicant's expectations regarding salary, benefits or other compensation. Further, if an applicant voluntarily and without prompting discloses salary history, the employer may consider and verify that information.

The law does not apply to applicants for internal transfers or promotions within the employer. Additionally, the law does not impact an employer's ability to conduct a background check, provided that if the verification or background check discloses salary history information, that information shall not be relied upon by the employer.

Enforcement

Individuals may file an administrative complaint with the Hawaii Civil Rights Commission for alleged violations of the Equal Pay Statute or may file suit. Civil actions may be filed for violations of the wage discrimination provision of the law.

ILLINOIS

(Statewide)

HB0834

[Read full law here](#)

Effective September 29, 2019

HB834 amends the Equal Pay Act of 2003 in several ways including with respect to salary history information.

Under the amended law, employers and employment agencies may not: (i) screen job applicants based on current or prior wage or salary history, or require wage or salary history information meet a certain minimum or maximum criteria, (ii) request or require wage or salary history information as a condition of being considered for employment or (iii) request or require that an applicant disclose wage or salary history information as a condition of employment. Employers are also prohibited from seeking wage or salary information from any current or former employee (with limited exceptions).

Further, employers may not require an employee to sign a contract or waiver that would prohibit the individual from discussing or disclosing wage or compensation information. Employers may however prohibit human resource or other professionals from discussing an individual's compensation information without that individual's written consent.

Employers may provide information regarding the wages, benefits or salary offered in relation to the position, and may also discuss with applicants their expectations with respect to salary or other compensation.

Enforcement

Individuals may recover damages, injunctive relief or attorney's fees as part of a civil action.

MAINE

(Statewide)

LD 278: An Act Regarding Pay Equality

[Read full law here](#)

Employers may not use or inquire into the compensation history of a prospective employee from that individual or their current or former employer. Additionally, LD 278 designates employers' inquiries, either indirectly or directly, into a prospective employee's compensation history as evidence of unlawful employment discrimination.

Employers may inquire into compensation information if they have an extended an offer of employment that includes all terms of compensation to the prospective employee. The law does not apply to employers who inquire into compensation history pursuant to a federal or state law that specifically requires disclosure or verification of such information.

Enforcement

The law will be enforced by Maine's Department of Labor and individuals may also seek judgment for compensatory damages.

MARYLAND

(Statewide)

House Bill 123

[Read full law here](#)

Effective October 1, 2020

HB 123 prohibits employers from:

1. Retaliating against or refusing to interview, hire or employ an applicant because the individual did not provide wage history or requested the wage range for the position.
2. Relying on the wage history of an applicant when considering employment or the wage to be offered.
3. Seeking the wage history of an applicant from a current or former employer orally, in writing or through an agent.

Following an initial job offer that includes compensation, an employer may rely on and/or seek to confirm the wage history an applicant voluntarily provides to support a higher wage than what was originally offered. Relying on wage history for this reason is permissible unless the higher wage creates an unlawful pay differential based on protected characteristics under the law.

Employers are also required to provide a wage range for the position upon request.

Enforcement

The law will be enforced by Maryland's Commissioner of Labor and Industry.

MASSACHUSETTS

(Statewide)

An Act to Establish Pay Equity: S. 2119; Overview and Frequently Asked Questions

[Read full law here](#)

S. 2119 amended Massachusetts' Equal Pay Act to address the use of salary history information in the hiring process.

Applies to all employers with one (1) or more employee. Employers are prohibited from:

- Requiring, as a condition of employment, that an employee refrain from inquiring about, discussing or disclosing information about either the employee's own wages, including benefits or other compensation, or about any other employee's wages;
- Screening job applicants based on their wage (including benefits or other compensation/salary histories) including by requiring that an applicant's prior wages satisfy minimum or maximum criteria, or request/require an applicant disclose prior wages or salary history as a condition of being interviewed or further considered for an offer of employment;
- Seeking the salary history of any prospective employee from any current or former employer;
- Discharging or otherwise retaliating against any employee because they opposed an unlawful act or made a complaint.

Employers may confirm prior wages, including benefits or other compensation, after a conditional offer of employment with compensation has been made to the prospective employee and the prospective employee has provided written authorization.

Although the salary history portion of the law only applies to applicants, the FAQ reminds employers that "at no time will an employee's salary history – with any employer – justify paying that employee less than an employee of a different gender who performs comparable work."

Enforcement

Individuals may file suit or a complaint with the Attorney General's Office who may then file suit on behalf of one or more applicants. Additionally, as outlined in the FAQ: An employer that pays an employee less than its pays to employees of a different gender performing comparable work may be liable for: (1) the amount of the affected employee's unpaid wages (i.e., the amount by which he or she was underpaid); (2) an equal amount of unpaid wages (i.e., double damages); and (3) the affected employee's reasonable attorneys' fees and other costs if he or she is awarded any judgment in his or her favor.

MICHIGAN

(Statewide)

Senate Bill 353

[Read full law here](#)

“An act to limit the powers of local bodies regarding the regulation of terms and conditions of employment within local government boundaries for employees of nonpublic employers.”

SB 353 is essentially a ban on local government from adopting, enforcing or administering “an ordinance, local policy, or local resolutions regulating information an employer or potential employer must request, require, or exclude on an application for employment or during the interview process from an employee or potential employee.”

This legislation was designed to prevent cities/municipalities from enacting salary history laws and other legislation, such as ban the box laws, that regulates the information employers can inquire about on an application or during the hiring process.

MISSOURI

(Kansas City)

Ordinance No. 190380

[Read full law here](#)

The law takes effect October 31, 2019.

Ordinance No. 190380 prohibits employers (those with 6 employees or more) from:

- Inquiring into the salary history of a job applicant.
- Screening job applicants based on current or prior wages, benefits or other compensation, or requiring that information satisfy a minimum or maximum criteria.
- Relying on the applicant's salary history when deciding whether to offer employment, or when determining the salary, benefits or other compensation to offer.
- Refusing to hire or otherwise disfavoring, injuring or retaliating against an applicant for not disclosing their salary history.

Employers may verify an applicant's disclosure of non-salary related information or conduct a background check, provided they do not take into account any salary information revealed by such background check.

NEW JERSEY

(Statewide)

A1094

[Read full law here](#)

The law takes effect January 1, 2020.

Under the new law, employers are prohibited from screening a job applicant based on salary history or requiring the individual's salary history meets certain minimum or maximum criteria.

Employers may consider salary history in determining the salary, benefits and other compensation for the applicant, and may also verify the salary history information if the applicant voluntarily provides the information. Employers may also request that the applicant provide them with a written authorization to confirm salary history information after an offer of employment including compensation is made to the applicant.

There are several exemptions under the law including, but not limited to, internal transfers or promotions, or any attempt to obtain or verify non-salary related information when conducting a background check (provided the employer specify salary history information should not be disclosed). Finally, employers may include an inquiry regarding salary history on an employment application provided there is a disclaimer that an individual working in New Jersey (in whole or substantial part) should not answer the question.

Enforcement

Individuals have a private right of action under the law. Employers may also be subject to civil penalties ranging from \$1,000-\$10,000.

NEW YORK

(Statewide)

S6549

[Read full law here](#)

The law takes effect January 6, 2020.

Several cities and counties within New York have already enacted salary history bans. Governor Andrew Cuomo signed S6549 into law bringing a new statewide standard for employers to consider. The statewide law goes into effect on January 6, 2020. However, this statewide law does not preempt any of the existing legislation on a local level. Importantly as well, the state law applies to both prospective and current employees.

Under the statewide law, employers may not:

- Rely on wage or salary history in determining whether or not to extend an offer or to determine wages to offer.
- Seek, request or require (whether orally or in writing) the wage or salary history from an applicant or current employee as a condition to be interviewed or otherwise considered for an employment offer.
- Seek, request or require (whether orally or in writing) the wage or salary history of an applicant or current employee from an employer or agent of the applicant or employee's employer.
- Refuse to interview, hire, promote or otherwise employ, or retaliate against, an applicant or employee based upon prior wage or salary history.
- Refuse to interview, hire, promote or otherwise employ, or retaliate against, an applicant or employee who did not provide salary history information in accordance with the law.
- Refuse to interview, hire, promote or otherwise employ, or retaliate against, an applicant or employee who filed a complaint alleging a violation of this law.

Individuals are permitted to voluntarily disclose wage and salary history information. Further, employers may confirm such information following an offer of employment if the individual provides such wage history information to seek a higher compensation offer. The law does not supersede any requirements in existing federal, state or local law that requires disclosure or verification of salary history information to determine compensation.

Enforcement

Individuals have a private right of action under the law.

NEW YORK, NY

(City)

N.Y.C. Admin. Code. §8-107(25)

[Read full law here](#)

Applies to employers with four (4) or more employees. Employers and agencies are prohibited from inquiring about salary history during all stages of the application process and cannot rely on the salary history of an applicant in determining salary, benefits or other compensation. Employers may also not ask applicants' current or former employers or employees about applicants' current or prior earnings or benefits.

Applicants can voluntarily and "without prompting" disclose salary history information which can then be verified and considered in determining salary. Searching public record to verify salary information, however, is strictly prohibited.

Employers may make statements about the anticipated salary, salary range, bonus and/or benefits for a position, and may inquire into an applicant's expectations or requirements about compensation. Employers may also consider other objective indicators of the applicant's productivity such as revenue, sales, or other production reports. Applicants applying for an internal transfer or promotion within the current employer are not covered by this law.

Additionally, if an employer requests a W-2 or other form of documentation in order to confirm employment history, they must instruct the applicant to redact all salary history information that may be on the document(s).

There are many nuances of this law that are impactful to employers. We recommend consulting the [FAQs](#) published by the NYC Commission on Human Rights for further information.

Enforcement

The NYC Commission on Human Rights is responsible for enforcement. Employers who violate the law may be required to pay damages, a fine and/or be subject to additional affirmative relief such as mandated training and posting requirements.

OREGON

(Statewide)

Or. Rev. Stat. §659A.357; Oregon Equal Pay Act: House Bill 2005; Technical Assistance for Employers

Read full law here; House Bill 2005; Technical Assistance for Employers

It is an unlawful practice for an employer or an employer or prospective employer to seek the salary history of an applicant or employee from the applicant or employee or a current or former employer of the applicant or employee. Employers are allowed to request written authorization from the prospective employee to confirm prior compensation only after extending an employment offer to the applicant that includes compensation. Or. Rev. Stat. §659A.357.

Amendments will take effect January 1, 2019 via House Bill 2005. Employers and agencies are prohibited from screening job applicants and determining compensation for a position based on current or past compensation. Compensation includes wages, salary, bonuses, benefits, fringe benefits and equity-based compensation. Employers may also not discriminate between employees on the basis of an employee's status as a member of a protected class in the payment of wages or other compensation for work of a comparable character.

Enforcement

House Bill 2005 provides a full review of applicable penalties (such as Relief, Compensatory Damages, Punitive Damages, attorney fees, etc.) and enforcement procedures.

- Written complaints may be filed with the Commissioner of the Bureau of Labor and Industries (BOLI).
- Individuals waive the right to file a complaint with the Commissioner of the Bureau of Labor and Industries if they file a civil action in circuit or federal court. Private right of action for violations does not go into effect until January 1, 2024.
- The law states that "no agreement for compensation at a rate less than the rate to which such employee is entitled to is a defense to any action" under House Bill 2005.

Enforcement of the provision allowing employers to seek compensation information only after an offer with compensation has been extended will be enforced by BOLI beginning January 1, 2019. Violations of this provision are only enforceable by filing a complaint with BOLI through 2023. Starting January 1, 2024, individuals may also file suit against the employer.

PHILADELPHIA, PA

(City)

Wage Equity Ordinance: Bill No. 160840

[Read full law here](#)

As written, the law prohibits employers from:

- Inquiring into a prospective employee's wage history, requiring disclosure of wage history, conditioning employment or consideration for an interview for employment based on disclosure of wage history, or retaliating against a prospective employee for failing to comply with any wage history inquiry.
- Relying on wage history at any stage in the employment process including the negotiation or drafting of any employment contract, unless the applicant knowingly and willingly disclosed his/her wage history.
- Wages includes all earnings of an employee, including fringe benefits, wage supplements or other compensation.

The law was stayed (meaning it did not take effect) following a court challenge that claimed the law violated the First Amendment right to free speech. See: *The Chamber of Commerce for Greater Philadelphia v. City of Philadelphia and Philadelphia Commission on Human Relations*.

In April 2018, an opinion was issued in the case from the U.S. District Court for the Eastern District of Pennsylvania. In this opinion, the court determined that the inquiry portion of the law (bullet one above) was unconstitutional. However, the court determined that the other portion – making it illegal for an employer to rely on wage history at any stage in the employment process – did not violate the constitution and could take effect.

In 2020, the U.S. Court of Appeals for the Third Circuit vacated the lower court's ruling and found the entire law to be constitutional. Employers must now comply with the law as drafted. Commission enforcement of the ordinance began September 1, 2020.

Enforcement

Individuals may file a complaint with the Philadelphia Commission on Human Relations.

PUERTO RICO

(Territory Wide)

Ley Núm. 16 del año 2017 (Puerto Rico Equal Pay Act: Act 16); Uniform Guidelines for the Self-Assessment of Equal Pay in the Workplace

[Read full law here](#)

Employers are prohibited from inquiring about a candidate's current or past salary history. If the applicant voluntarily discloses salary history information or a salary was negotiated and provided in an offer letter, then the employer is allowed to inquire about or confirm that salary history. In addition to prohibiting the salary history inquiry, the law also prohibits pay discrimination, addresses pay transparency and provides remedies for individuals who are victim of pay discrimination.

Enforcement

The Puerto Rico Secretary of Labor is responsible for enforcing this law. Violators are subject to paying back pay, an equal amount as a penalty. Double compensatory damages are available.

² The law is available in Spanish only; however, the Society for Human Resource Management published an article "Puerto Rico Passes Pay Equity Law" in March of 2017 on its website outlining key provisions to the law.

SAN FRANCISCO, CA

(City)

Parity in Pay Ordinance: Article 33J

[Read full law here](#)

Employers are prohibited from:

- Inquiring about an applicant's current or past salary.
- Considering an applicant's salary history when determining what salary to offer.
- Retaliating in any way against an applicant for refusing to disclose salary history. This includes refusing to hire or otherwise disfavor the applicant.
- Releasing the salary history of current or former employees to a prospective employer without written authorization from the candidate.

Applicant is defined as an individual applying for a job to be performed in the geographic boundaries of the City (which includes the City and County of San Francisco), and whose application will be considered (whether or not through an interview). Applicant does not include an individual applying for a job with their current employer. Salary is defined broadly to include all financial compensation in exchange for labor, including, but not limited to, wages, commissions and any benefits.

Following an employer's initial salary offer, applicants can voluntarily disclose salary history to counter-offer and negotiate prospective salary. Once the information is voluntarily disclosed, the employer may consider that information in determining a counter-offer.

The "[Employer Consideration of Salary History Poster](#)" must also be displayed at each workplace or job site.

Enforcement

The Office of Labor Standard Enforcement. The OLSE may issue a determination if a violation occurs, provided however that for a first violation (or any violation occurring during the first 12 months the law is in effect), the OLSE must issue a warning and notice to correct. Following the first 12-month period, any additional violation may result in an administrative penalty of no more than \$100 (per individual). Thereafter, the penalties increase to no more than \$200 for the second violation and no more than \$500 for each additional violation. The OLSE may also refer the employer to the City Attorney who may initiate a civil action. *Note: the law took effect January 1, 2018.*

SUFFOLK COUNTY, NY

(County)

Unlawful discriminatory practices in employment – wage and salary history

Read full law here

Employers are prohibited from:

- Inquiring, whether on an application or otherwise, about an applicant’s wage or salary history including compensation or benefits.
 - The above includes asking the individual orally, in writing or otherwise, and/or conducting a search of publicly available records or reports.
- Relying on an applicant’s salary history when determining what wage or salary to offer at any stage in the employment process including the offer or contract.

The law applies to employers with 4 or more employees except those that are required by local, state, or federal law to obtain or verify salary information for employment purposes.

Enforcement

The Suffolk County Human Rights Commission enforces the Suffolk County Human Rights Law. Violations of the HRL, including for this provision, may lead to civil penalties of up to \$50,000 for an unlawful discriminatory act or up to \$100,000 for a “willful, wanton or malicious” violation.

TOLEDO, OHIO

(City)

Toledo Municipal Code Chapter 768, Pay Equity Act to Prohibit the Inquiry and Use of Salary History in Hiring Practices in the City of Toledo

[Read full law here](#)

Effective July 4, 2020. Law applies to employers with 15 or more paid employees within the city of Toledo.

Under the Ordinance, it is an unlawful discriminatory practice for employers to: (i) inquire about salary history of job applicants, (ii) screen applicants based on salary/compensation information including requiring certain minimum or maximum criteria, (iii) rely on salary history when determining whether to extend an offer or what compensation to offer and (iv) refuse to hire an applicant for not disclosing salary history information.

Employers may engage in discussions regarding compensation expectations and are required to provide a pay scale for a position an applicant has received a conditional offer for upon reasonable request. Employers should review the Ordinance for a list of exemptions.

Enforcement

Individuals have a private cause of action under the Ordinance including seeking compensatory damages, reasonable attorney's fees and costs, and other legal and equitable relief a court deems proper.

Wage History Anti-Discrimination amendment to Section 700.03

[Read full law here](#)

Applies to employers with four or more employees.

Employers and agencies are prohibited from:

- Relying on the wage history of a prospective employee to determine the wages for such individual.
- Requesting or requiring disclosure of wage history information as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment.
- Seeking from any current or former employer the previous wages of any prospective employee.
- Refusing to hire or otherwise retaliating against an individual based on prior wage or salary history because the individual opposed any action or practice that is unlawful.

Employers may rely on prior wage history if that information is voluntarily provided by a prospective employee to support a wage higher than the wage offered by the employer. Additionally, employers may confirm prior wage information after making an employment offer that includes compensation and the prospective employee responds to the offer by providing prior wage information to support a wage higher than offered. Under these circumstances, the employer may confirm the prior wage information after obtaining written authorization from the prospective employee.

Enforcement

Individuals may file a complaint with the Westchester County Human Rights Commission.

WASHINGTON

(Statewide)

HB1696, Washington Equal Pay and Opportunities Act

[Read full law here](#)

Note: this law goes into effect on July 28, 2019.

The law prohibits employers from seeking the wage or salary history from an applicant or requiring that an applicant's prior history meet certain criteria. Employers may confirm wage or salary history if the information is voluntarily disclosed or after an offer is extended to the applicant that includes compensation details.

Employers that have fifteen (15) or more employees must also provide the minimum wage or salary for a position upon an applicant's request or upon an employee's request when the employee is offered an internal transfer to a new position or a promotion. If there is no wage scale or salary range, employers must provide the minimum wage or salary expectation prior to posting a position, making a position transfer or making the promotion.

WISCONSIN

(Statewide)

Assembly Bill 748 Section 5, 103.36: Employer right to solicit salary information of prospective employees; statewide concern; uniformity

[Read full law here](#)

Signed into law on April 16, 2018, AB 748 prohibits cities, villages, towns or counties from enacting or enforcing an ordinance prohibiting an employer from soliciting information regarding salary history of prospective employees. Employers are allowed to solicit salary history from prospective employees.

VERMONT

(Statewide)

H. 294 (Act 126) Labor; fair employment practices; wages; An act relating to inquiries about an applicant's salary history

[Read full law here](#)

Employers are prohibited from:

- Inquiring about or seeking information regarding a prospective employee's current or past compensation from either the prospective employee or a current or former employer of the prospective employee.
- Requiring that a prospective employee's current or past compensation satisfies minimum or maximum criteria.
- Determining whether to interview a prospective employee based on the individual's current or past compensation.

Compensation includes wages, salary, bonuses, benefits, fringe benefits and equity-based compensation.

If a prospective employee voluntarily discloses current or past compensation information, an employer may confirm that information only after making an employment offer with compensation to the prospective employee.

Employers are permitted to inquire into a prospective employee's salary expectations or requirements, and may provide information about the wages, benefits, compensation or salary related to a position.

Enforcement

Individuals may file an administrative complaint with the Civil Rights Unit or file suit against the employer.

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