



Mayor de Blasio Signs NYC Ban on Salary Inquiries

On May 4, 2017, New York City Mayor Bill de Blasio [signed a law](#) that will prohibit New York City employers from inquiring about the salary and benefits histories of job applicants. The law, which the New York City Council passed on April 5, 2017, will take effect October 31, 2017.

Introduction Number 1253-A prohibits employers from inquiring about the salary history of an applicant and from relying on an applicant's salary history in determining compensation. The law defines "to inquire" broadly to include questions to the applicant, the applicant's current or former employer, or current or former agents of such applicant's current or former employer. It also includes conducting searches of publicly available records but does not prohibit employers from informing applicants about the proposed or anticipated salary or salary range.

The law also defines "salary history" broadly to cover all wages and benefits but does not preclude employers from making inquiries regarding objective measures of productivity, such as revenue or sales.

Under the new law, employers can consider an applicant's salary history where an "applicant voluntarily and without prompting discloses [such] salary history." The law also makes clear that an employer "may, without inquiring about salary history, engage in discussion with the applicant about their expectations with respect to salary, benefits and other compensation, including but not limited to unvested equity or deferred compensation that an applicant would forfeit or have cancelled by virtue of the applicant's resignation from their current employer." Additionally, an employer may verify an applicant's voluntarily disclosed salary history.

Intro. No. 1253-A does not apply to internal applicants for transfer or promotion.

The New York City law reflects a growing trend in states and municipalities around the country. Massachusetts already has enacted similar legislation that will take effect in 2018. Philadelphia also passed a similar law, which currently is enjoined pending a First Amendment challenge.

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