



## Client Update

October 17, 2017

### Reminder: New York City Ban on Inquiries into Salary History to Take Effect

On October 31, 2017, New York City's salary history inquiry law will take effect. The law prohibits private employers of all sizes in New York City from requesting or relying on a job applicant's salary history in order to determine compensation. The law will also prohibit an employer who already is aware of the applicant's salary history from relying upon such knowledge when determining salary and benefits. For further information on the salary history inquiry law, see our previous alert: [http://putneylaw.com/cu\\_050517.html](http://putneylaw.com/cu_050517.html).

#### Key Provisions

Under the law, employers in New York City will be banned from requesting a job applicant's current salary level and benefits, as well as their salary and history and past benefits. Employers will also be barred from relying upon such information in making decisions on compensation during the hiring process.

Employers are forbidden from questioning the job applicant him/herself, the applicant's current or former employer, or from searching public records for such information. However, employers may make statements about the anticipated salary, salary range, bonus, and benefits for a position, and may inquire about an applicants' expectations or requirements for such compensation.

The law does not apply to positions located outside of New York City. However, the NYC Commission on Human Rights ("Commission") has indicated that it will "likely" seek to assert jurisdiction over non-New York City positions if the interview takes place in New York City.

#### Takeaway for Employers

New York Employers should prepare for the October 31, 2017 implementation date by:

- Deleting questions about salary history from employment applications, background check forms, and other documents used throughout the hiring process;
- Coordinating with third-party background-checking vendors to ensure that their practices and relevant documents contain no inquiry for salary history;
- Refraining from seeking salary history during the background check or reference check process, unless the job applicant has voluntarily offered his or her salary history;
- Ensuring that human resources staff other employees or agents involved in the interviewing or recruitment process are trained on the requirements of the law;
- Making sure that any locations outside of New York City which do not conform to the new law do not inadvertently continue to ask for or store salary history for New York City-based applicants.

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The Commission has created a website which serves as a resource to guide employers and employees. The website has been and will continue to be updated as further clarifications in the law are needed. It can be found here: <http://www1.nyc.gov/site/cchr/media/salary-history.page>. We will keep you apprised of changes and clarifications to the law.

