



DECEMBER 4, 2018

Suffolk County Bans Salary History Inquiries

Effective June 30, 2019, Suffolk County's Restricting Information on Salaries and Earnings Act ("RISE" Act) prohibits employers from inquiring about and relying on prior or current salary information throughout the hiring process when considering job applicants and setting compensation for new employees. The RISE Act is similar in many respects to New York City's ban on inquiries into salary history, which took effect last year. For further information on the New York City salary history inquiry law, see our previous alert [here](#).

Key Provisions

Under the RISE Act, an employer, employment agency, employee or agent thereof may not:

1. Inquire, whether in any form of application or otherwise, about a job applicant's wage or salary history, including but not limited to, compensation and benefits. For purposes of this subdivision, "to inquire" means to ask an applicant or former employer orally, or in writing or otherwise or to conduct a search of publicly available records or reports.
2. Rely on the salary history of an applicant for employment in determining the wage or salary amount for such applicant at any stage in the employment process including the offer or contract.

The RISE Act excludes any actions taken by an employer, employment agency, employee or agent thereof pursuant to: (1) any federal, state or local law that requires disclosure or verification of salary for employment purposes; or (2) a collective bargaining agreement.

Takeaway for Employers

Suffolk County employers—defined as persons or entities that employ at least four employees—should proactively take steps to ensure their existing pre-employment practices and policies comply with the RISE Act. Specifically, employers should prepare 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; and
- Ensuring that human resources staff other employees or agents involved in the interviewing or recruitment process are trained on the requirements of the law.

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If you have any questions regarding Suffolk County's RISE Act,
please do not hesitate to contact us.

[PUTNEY, TWOMBLY, HALL & HIRSON LLP](#)