

## New York City Bans Salary History Inquiries

Effective October 31, 2017, New York City recently amended its Human Rights Law (NYCHRL) to prohibit inquiries into applicant's salary history during the hiring process. It also prohibits relying on the salary history of a job applicant when determining an applicant's salary amount at any stage in the employment process, including negotiation.

This applies to all employers regardless of size!

### ✗ What is Not Permissible? ✗

- Employers cannot ask questions about or solicit information about applicant's current or prior earnings or benefits, for example on job applications.
- Ask applicant's current or former employers or their employees about applicant's current or prior earnings or benefits.
- Searching public records to learn about applicant's current or prior earnings or benefits.
- Relying on information about applicant's current or prior earnings or benefits to set their compensation.

### ✓ What is Permissible? ✓

- Discussing with an applicant the proposed or anticipated salary for the position, as well as an applicant's salary expectations. This includes bonus and benefits for a position.
- Inquiring about objective indications of an applicant's work productivity in current or previous jobs, such as revenue, sales, production, reports, profits generated, or book of business.
- Make inquiries about salary history that are authorized or **required** by federal, state, or local law.
- Verify and consider current or prior earnings or benefits **ONLY IF** offered voluntarily and without prompting by the applicant during the interview process.
- Make inquiries to applicant's current or former employer or **or** search online to verify non-salary information, such as work history, responsibilities, or achievements. If this results in the accidental discovery of current or prior earnings or benefits, the employer cannot rely on this information in making salary or benefit decisions.

## Next Steps

- Update your current job application. If you do not have one, reach out to PEAR for assistance.
- Ensure your hiring managers are aware of the update, and that their interview questions are updated as well
- Be mindful of penalties. You may be required to pay damages, a fine, and/or be subject to additional affirmative relief such as mandated training and posting requirements.
- Review the [NYC.gov Employer Fact Sheet](#)





## HOW WILL PEAR HELP ME, REGARDING THESE CHANGES?

Call your Karen Seibert, or Stephanie Rufa for more information.

• PEAR HR SOLUTIONS •

135 CROSSWAYS PARK DRIVE | STE 403 | WOODBURY, NY 11797 • (516) 496-7327

## Don't Forget About Other NYC Laws Released....

-  **Fair Chance Act:** Bans the criminal history check from hiring process, until offer is made. Offer can be contingent on the results of a criminal history check
-  **Credit Check Law:** Employers cannot run a credit history check on an applicant.
-  **Earned Sick Time Act:** Employers with 5 employees or more must offer paid sick time.
-  **Paid Family Leave:** Going into effect January 1, 2018 for all NYS employers