**NYC Law Restricts Employer Inquiries into
Job Candidates’ Salary History effective October 31, 2017**

00844928.1

On May 4, 2017, New York City Mayor Bill de Blasio signed into law a bill that prohibits New York City employers,[[1]](#footnote-1) employment agencies and those acting on their behalf from inquiring into or relying on a job applicant’s salary history in determining salary, benefits, or other compensation.[[2]](#footnote-2) This includes a prohibition on employers conducting a search of publicly available records or reports for the purpose of obtaining an applicant’s salary history. The purpose of the law, which will take effect on October 31, 2017, is to reduce the likelihood that women will be prejudiced by prior compensation levels, thereby helping to narrow the gender pay gap.

The law does *not* prohibit employers from engaging in discussions with applicants about their expectations with respect to salary, benefits or other compensation. Nor does it preclude an employer, when an applicant voluntarily and without prompting discloses salary history to the employer, from considering such history in determining salary, benefits or other compensation.

 The law does *not* apply to applicants for internal transfer or promotion with their current employer, or to public employee positions for which compensation, benefits or other compensation are collectively bargained. Nor does it apply to actions taken by an employer pursuant to any law that specifically authorizes the disclosure or verification of salary history, or specifically requires knowledge of salary history to determine an employee’s compensation.

Feel free to contact Evan Hudson-Plush at ehudson-plush@cwsny.com if you have any questions about the law.

1. Although the territorial scope of the law is not defined in the statute, it will generally apply when the job applicant will work in New York City, regardless of the location of the employer. [↑](#footnote-ref-1)
2. The law defines “salary history” as the job applicant’s current or prior wages, benefits or other compensation. It defines “inquire” to encompass communications with an applicant or the applicant’s current or prior employer for purposes of obtaining the applicant’s salary history. [↑](#footnote-ref-2)