

New York City May Ban Questions about Salary History

A bill in the City Council of New York City would prohibit employers from inquiring about a prospective employee's salary history. The bill's purported aim is to close the gender pay gap by reducing the likelihood that women will be prejudiced by prior salary levels.

New York City Public Advocate Letitia James introduced Int. 1253 on August 16, 2016.

The bill states that if an employer is already aware of an applicant's salary history, it is prohibited from relying on that information to determine salary. Exemptions from the ban are the limited circumstances where a federal, state, or local law authorizes the disclosure or verification of salary history for employment.

Int. 1253 already has the support of a majority of City Council Members — 28 of the Council's 51 members have signed onto the bill. It is currently under consideration in the Committee on Civil Rights and could have a public hearing before the end of 2016. Under Council rules, the Committee must decide whether to hold a public hearing once a piece of legislation has 34 sponsors.

Int. 1253 was announced the same month that Massachusetts became the first state in the country to bar employers from asking applicants about salary history. It also follows a 2016 report by the Public Advocate finding wage disparities for women of color in New York City are significantly worse than the national average. Unlike the Massachusetts law, however, James's bill does not allow

employers to take into account certain other attributes of an applicant's work history, such as experience and education, when determining variations in pay.

Legislation similar to James's proposal has been introduced for several years in the New York State Legislature and was introduced in the New Jersey Assembly. To date, efforts to advance this type of legislation have been successful only in Massachusetts.

If passed by the City Council, Mayor Bill de Blasio is expected to sign the measure into law. In August, a City Hall spokesperson signaled the Mayor's support for Int. 1253, saying, "[T]he de Blasio administration is deeply committed to creating a city where women and girls are treated fairly, and that includes the workplace."

Stay tuned for developments.

For More Information Contact:

Timothy Domanick, Esq.
Associate
Jackson Lewis P.C.
58 South Service Road, Suite 250
Melville, NY 11747
Email: Timothy.Domanick@Jacksonlewis.com
Phone: (631) 247-4630

This article is provided for informational purposes only. It is not intended as legal advice nor does it create an attorney/client relationship between Jackson Lewis P.C. and any readers. Readers should consult counsel of their own choosing to discuss how these matters relate to their individual circumstances.