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File #:	Int 1253-2016	Version: <input type="button" value="A v"/>	Name:	Prohibiting employers from inquiring about a prospective employee's salary history.
Type:	Introduction	Status:	Enacted	
		Committee:	Committee on Civil Rights	
On agenda:	8/16/2016			
Enactment date:	5/4/2017	Law number:	2017/067	
Title:	A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from inquiring about or relying on a prospective employee's salary history			
Sponsors:	The Public Advocate (Ms. James) , Elizabeth S. Crowley , Laurie A. Cumbo , Helen K. Rosenthal , Rafael Salamanca, Jr. , Brad S. Lander , Julissa Ferreras-Copeland , Jumaane D. Williams , Donovan J. Richards , Annabel Palma , Daniel Dromm , Deborah L. Rose , Antonio Reynoso , Vanessa L. Gibson , Rafael L. Espinal, Jr. , Robert E. Cornegy, Jr. , Ben Kallos , Karen Koslowitz , Ydanis A. Rodriguez , Mark Levine , Carlos Menchaca , Costa G. Constantinides , Mark Treyger , Ritchie J. Torres , I. Daneek Miller , Rosie Mendez , Alan N. Maisel , Margaret S. Chin , Inez D. Barron , Darlene Mealy , Andrew Cohen , Andy L. King , Stephen T. Levin , Mathieu Eugene , Ruben Wills , James G. Van Bramer			
Council Member Sponsors:	36			
Summary:	<p>This bill would prohibit employers from inquiring about a prospective employee's salary history during all stages of the employment process. In the event that an employer is already aware of a prospective employee's salary history, this bill would prohibit reliance on that information in the determination of salary. When employers rely on salary histories to determine compensation, they perpetuate the gender wage gap. Adopting measures like this bill can reduce the likelihood that women will be prejudiced by prior salary levels and help break the cycle of gender pay inequity.</p>			
Indexes:	Oversight			
Attachments:	<p>1. Legislative History Report, 2. Summary of Int. No. 1253-A, 3. Int. No. 1253 - 8/16/17, 4. August 16, 2016 - Stated Meeting Agenda with Links to Files, 5. Committee Report 12/13/16, 6. Hearing Testimony 12/13/16, 7. Hearing Transcript 12/13/16, 8. Proposed Int. No. 1253-A - 3/30/17, 9. Committee Report 4/4/17, 10. Hearing Transcript 4/4/17, 11. Committee Report - Stated Meeting, 12. April 5, 2017 - Stated Meeting Agenda with Links to Files, 13. Fiscal Impact Statement, 14. Int. No.</p>			

[1253-A \(FINAL\)](#), 15. [Hearing Transcript - Stated Meeting 4-5-17](#), 16. [Mayor's Letter](#), 17. [Minutes of the Stated Meeting - April 5, 2017](#), 18. [Local Law 67](#)

History (14) Text

Int. No. 1253-A

By the Public Advocate (Ms. James), Council Members Crowley, Cumbo, Rosenthal, Salamanca, Lander, Ferreras-Copeland, Williams, Richards, Palma, Dromm, Rose, Reynoso, Gibson, Espinal, Cornegy, Kallos, Koslowitz, Rodriguez, Levine, Menchaca, Constantinides, Treyger, Torres, Miller, Mendez, Maisel, Chin, Barron, Mealy, Cohen, King, Levin, Eugene, Wills and Van Bramer

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from inquiring about or relying on a prospective employee's salary history

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 25 to read as follows:

25. Employment; inquiries regarding salary history. (a) For purposes of this subdivision, "to inquire" means to communicate any question or statement to an applicant, an applicant's current or prior employer, or a current or former employee or agent of the applicant's current or prior employer, in writing or otherwise, for the purpose of obtaining an applicant's salary history, or to conduct a search of publicly available records or reports for the purpose of obtaining an applicant's salary history, but does not include informing the applicant in writing or otherwise about the position's proposed or anticipated salary or salary range. For purposes of this subdivision, "salary history" includes the applicant's current or prior wage, benefits or other compensation. "Salary history" does not include any objective measure of the applicant's productivity such as revenue, sales, or other production reports.

(b) Except as otherwise provided in this subdivision, it is an unlawful discriminatory practice for an employer, employment agency, or employee or agent thereof:

1. To inquire about the salary history of an applicant for employment; or
2. To rely on the salary history of an applicant in determining the salary, benefits or other compensation for such applicant during the hiring process, including the negotiation of a contract.

(c) Notwithstanding paragraph (b) of this subdivision, an employer, employment agency, or employee or agent thereof may, without inquiring about salary history, engage in discussion with the

applicant about their expectations with respect to salary, benefits and other compensation, including but not limited to unvested equity or deferred compensation that an applicant would forfeit or have cancelled by virtue of the applicant's resignation from their current employer.

(d) Notwithstanding subparagraph 2 of paragraph (b) of this subdivision, where an applicant voluntarily and without prompting discloses salary history to an employer, employment agency, or employee or agent thereof, such employer, employment agency, or employee or agent thereof may consider salary history in determining salary, benefits and other compensation for such applicant, and may verify such applicant's salary history.

(e) This subdivision shall not apply to:

(1) Any actions taken by an employer, employment agency, or employee or agent thereof pursuant to any federal, state or local law that specifically authorizes the disclosure or verification of salary history for employment purposes, or specifically requires knowledge of salary history to determine an employee's compensation;

(2) Applicants for internal transfer or promotion with their current employer;

(3) Any attempt by an employer, employment agency, or employee or agent thereof, to verify an applicant's disclosure of non-salary related information or conduct a background check, provided that if such verification or background check discloses the applicant's salary history, such disclosure shall not be relied upon for purposes of determining the salary, benefits or other compensation of such applicant during the hiring process, including the negotiation of a contract; or

(4) Public employee positions for which salary, benefits or other compensation are determined pursuant to procedures established by collective bargaining.

§ 2. This local law takes effect 180 days after it becomes law, provided that the commission on human rights may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

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