

Pay Equity Lightning Round

Don't Ask, Don't Tell: Salary History Bans

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Jeffrey A. Fritz

(617) 532-9325

jfritz@fisherphillips.com

Monica Snyder

(617) 532-9327

mpsnyder@fisherphillips.com

Changing Legal Landscape

- The Equal Pay Act has been in place for decades, nevertheless, the “pay gap” persists.
- States and cities are enacting laws and ordinances to try to close the “pay gap.”
- Result: patchwork of, in certain respects, inconsistent laws.

Salary History Ban

- Many new laws prohibit, or limit, an employer from seeking salary history from applicants.
- Rationale: pay discrimination can follow employees from job to job throughout their careers, resulting in a systemic reduction in their earning power.
- If an employee experiences pay inequality in a prior job, disclosing their past salary when applying for a new job has the potential to perpetuate the effect of the past discrimination.

Salary History Bans – Effective Dates

- New York (1/9/17)
- New Orleans (1/25/17)
- Puerto Rico (3/8/17)
- Oregon (10/6/17)
- New York City (10/31/17)
- Delaware (12/14/17)
- California (1/1/18)
- Pittsburgh (1/30/18)
- New Jersey (2/1/18)
- San Francisco (7/1/18)
- Massachusetts (7/1/18)
- Philadelphia (on hold)

Recommended Actions

- Consider how to handle multi-state issues – blanket or patchwork policies/practices?
- Remove salary history questions from application materials, background checks or verification inquiries.
- Train anyone involved in interviewing candidates.
- Determine how company will inquire about and document candidate's salary expectations.
- Implement process for documenting voluntary disclosures.
- Confirm compliance by external recruiters or other third party services.

Pay Equity Practice Group

Practice Group Co-Chairs

Cheryl L. Behymer
Columbia, SC
(803) 255-0000

cbehym@fisherphillips.com

Kathleen McLeod Caminiti
Murray Hill, NJ
(908) 516-1050

kcaminiti@fisherphillips.com

Cheryl B. Pinarchick
Boston, MA
(617) 532-8215

cpinarchick@fisherphillips.com



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Thank You



Jeffrey A. Fritz
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