



Columbus Salary History Ban Takes Effect March 1: Top 5 Tips for Employers

Insights

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Columbus has joined Cincinnati and Toledo — as well as many other cities and states across the country — in adopting a salary history ban. Employers with at least 15 employees operating within the city of Columbus are barred from asking job applicants about their past compensation history as of March 1. The city's legislative move is part of a broader effort to address wage disparities and promote equal pay for equal work. By prohibiting employers from asking about a candidate's previous salary history during the hiring process, the city aims to ensure that salary offers are based on the job's requirements and the applicants' qualifications rather than their past earnings. Here's a summary of the ordinance and five tips for Columbus employers to address the new law.

Are You Covered by the Ban?

The Columbus ordinance covers employers with at least 15 employees that also operate within the city limits. The ban includes all applicants and also covers job placement and referral agencies operating in the city. Under the ordinance, the term "applicants" includes any person whose application "will be solicited, received, processed, or considered in the city of Columbus."

Salary Ban Summarized

The ordinance gives applicants the right to file a complaint with the Columbus Community Relations Commission (CRC) for any "unlawful discriminatory practice." Violations can lead to a fine of up to \$5,000 for violations. Under the ordinance, covered employers shall not:

- Ask an applicant's salary history, including current salary, wages, or benefits (*the ban does not prohibit inquiries about objective sales data involved in productivity, revenue, or sales*);
- Screen applicants based on salary history;
- Refuse to hire, or otherwise disfavor, injure, or retaliate against an applicant for refusal to provide salary history; or
- Rely on salary history to determine whether to offer employment, or determine wages, salary, or benefits for the applicant.

The ordinance permits employers to engage in some discussions about salary issues, including conversations about the applicant's expectations for salary and benefits. You are also allowed to tell

conversations about the applicant's expectations for salary and benefits. You are also allowed to tell applicants the proposed or anticipated salary for the job opening.

Exceptions

The ordinance provides several significant exceptions to the ban, including that the ban does not apply to:

- any unit of local, state, or federal government, except the city of Columbus;
- transfers or promotions;
- voluntary or unprompted disclosure of salary history by the applicant;
- disclosures that are authorized to a federal, state, or local agency; or
- as permitted under the procedures of a collective bargaining agreement.

Implications for Employers

The salary history ban represents a significant shift in the hiring landscape in Columbus. It's designed to help break the cycle of pay inequality – particularly affecting women and underrepresented groups – that can follow employees throughout their careers. The Columbus City Council determined that reliance on salary history has often perpetuated wage disparities, with new salaries pegged to previous ones, regardless of the new role's responsibilities or the market rate.

For employers in Columbus, this means adapting hiring processes to comply with the new regulations. But merely removing the salary history question from job applications won't be enough: you must also ensure that hiring practices are adjusted to comply with the new law. This includes, for example, developing a clear understanding of the market rate for positions you are seeking to fill and setting salary ranges based on qualifications, experience, and the demands of the role.

This is particularly important because the candidates themselves are the watchdogs for violations. Specifically, the ordinance provides that an aggrieved applicant may file a complaint with the CRC, which then investigates the accusation. If the CRC finds in favor of the candidate, it may impose a civil fine of up to \$5,000.

Top 5 Compliance Tips

To navigate this new landscape without falling afoul of the ordinance, employers operating within the city of Columbus should take the following proactive steps to avoid violations:

1. **Refrain from Asking About Salary History:** Avoid including questions about previous salaries in job applications, interviews, or any other part of the hiring process.
2. **Focus on Salary Expectations:** Instead of asking about past earnings, you can discuss salary expectations, which allows parties to align on compensation without referencing previous

salaries.

3. **Establish Clear Salary Ranges:** Develop and document salary ranges for all positions based on market research, the roles' requirements, and expected outcomes. Notably, Toledo and Cincinnati both require an employer to share the pay scale for the job with applicants once an offer of employment is presented. While the Columbus ordinance does not make this a requirement, you should be prepared to discuss your anticipated salary range. This transparency helps ensure fair compensation practices.
4. **Train Hiring Managers:** Ensure that all staff involved in the hiring process know about the ban and understand how to comply with it. This includes training hiring managers on how to negotiate salaries without referencing past earnings.
5. **Review and Update Hiring Materials:** Audit all hiring materials — including job postings, application forms, and interview scripts — to ensure they comply with the new ordinance.

Conclusion

Employers in Columbus should adapt hiring strategies to ensure compliance with the new ordinance and to continue attracting top candidates throughout the region. We will track developments and provide updates as warranted, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information directly to your inbox. If you have questions about this new law or modifying your hiring procedures, please get in touch with your Fisher Phillips attorney, the authors of the Insight, or any attorney in [our Columbus office](#).

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Steven M. Loewengart
Regional Managing Partner
614.453.7606
Email





Robert M. Robenalt

Partner

614.453.7611

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