



Salary History Is History in Albany, New York

Insights

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The Albany County, New York legislature recently unanimously voted to amend the Albany County Human Rights Law to ban employers from asking about a job applicant's salary history. The law took effect December 17, 2017. With passage of this law, Albany County joins New York City, Philadelphia, Massachusetts, Oregon, Puerto Rico, California and San Francisco on the ever-growing list of jurisdictions that ban inquiries into salary history.

The Albany law applies to employers with four or more employees, and employment agencies. Specifically, employers are prohibited from:

- Screening job applicants based on their current or prior wages, benefits, or other compensation;
- Requiring that an applicant's prior wages satisfy minimum or maximum criteria;
- Requesting or requiring that an applicant disclose salary history as a condition of being interviewed or considered for an offer of employment; or
- Seeking an applicant's salary history from his or her current or former employers.

The Albany law contains only one, narrow exception. After an employer extends an offer of employment with compensation, the employer can then confirm the applicant's salary history if the applicant provides written authorization to do.

Albany County employers must take steps to immediately remove all salary history inquiries from their job applications. Additionally, all human resources personnel as well as any other employees involved in the interviewing and hiring process must be educated on the new law to avoid violations.

As the salary history prohibition movement continues to gain momentum, employers throughout the country should continue to monitor the latest developments and keep an eye out for similar legislation coming to their area.

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