



Equal Pay and Gender Equality are No. 1 on N.J.'s New Governor's Agenda

Insights

1.17.18

Hours after being sworn in as New Jersey's 56th governor yesterday, Governor Phil Murphy signed an executive order prohibiting public employers from inquiring about a job applicant's current or prior salary. In doing so, New Jersey follows in the footsteps of other states, cities, and counties (including Albany County, New York, California, Delaware, Massachusetts, New York City, San Francisco, and Oregon) that have enacted similar laws applying to both public and private employers.

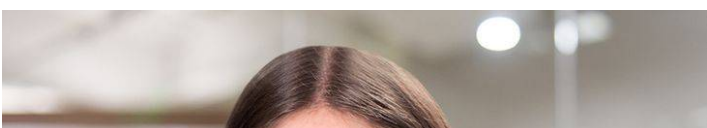
Under Executive Order #1, public employers are prohibited from:

- Inquiring about a job applicant's current or previous salaries (unless and until a conditional offer of employment has been made);
- Asking a current or prior employer about an applicant's current or salary;
- Searching public records databases to ascertain an applicant's current or previous salary; and
- Considering an applicant's refusing to volunteer compensation information in any employment decision.

Similar to other jurisdictions, the executive order does not prevent a job applicant from volunteering information about their compensation. Additionally, state entities are only authorized to request and verify current or previous compensation information prior to making a conditional offer of employment if the applicant voluntarily provides the information, or if verification is required by federal, state, or local law. Finally, there is no private right of action under the executive order.

Public employers in New Jersey only have a few weeks to adjust to this new legal landscape, as Executive Order #1 goes into effect on February 1, 2018. Private employers may not have long to wait until they are held to similar standards, as Governor Murphy has pledged to sign legislation that comes to his desk that would also prohibit private entities from inquiring about salary history.

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