



NY Governor Wants Employers to Say No to Salary History

Insights

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On April 10, 2018, Equal Pay Day, New York Governor Andrew Cuomo unveiled proposed legislation banning all employers in New York from asking job applicants about their salary history. The legislation is aimed at closing the gender wage gap in New York.

The proposed legislation would prohibit New York employers from asking about the salary history of a job applicant or relying on salary history in determining whether to make a job offer to that applicant or what salary to offer the applicant. If the applicant voluntarily and without prompting discloses their salary history, the employer would be permitted to consider that information. Additionally, employers would not be restricted from discussing the candidate's expectations or requirements for salary, benefits and other compensation.

Jurisdictions within New York State have already implemented laws that ban inquiries into salary history. New York City employers have been prohibited from asking about salary history since October 31, 2017, while employers in Albany County have been restricted from such inquiries since December 17, 2017. The Westchester County executive just signed into law similar legislation last week that will take effect on July 1, 2018.

Additionally, per an executive order signed by Governor Cuomo in January 2017, state agencies and entities have been barred statewide from inquiring about salary history of a prospective employee until after the applicant is extended a conditional offer of employment with compensation. The legislation advanced by Governor Cuomo earlier this week would expand the prohibition on inquiring about salary history to all public and private employers statewide.

Governor Cuomo also released a Department of Labor report on pay equity in New York State. New York reportedly has the narrowest wage gap in the country, with women earning the equivalent of 89 cents to a man's dollar. The report advanced recommendations to quickly close the gender pay gap, many of which would impact New York employers if implemented. In addition to legislation banning salary history inquiries statewide, the report recommends instituting predictable schedule regulations proposed in November 2017 and urges the state to explore eliminating the subminimum wage for tipped workers.

New York employers must monitor the proposed salary history legislation, as well as any other measures New York State takes to close the gender pay gap. New York employers should also start

considering the [steps necessary to comply](#) with a statewide salary history ban should one be instituted. As states and cities across the country continue to take steps to advance pay equity, all employers should monitor these initiatives through our [Pay Equity Interactive Map](#).

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