

## Westchester County Prohibits Salary History Inquiries

Insights

4.16.18

Westchester County has enacted a Wage History Anti-Discrimination Law which will soon make it illegal for employers to ask potential employees their salary history. The law was passed by the County Board of Legislators on April 9 and signed into law by County Executive George Latimer the following day. The law takes effect July 9, 2018.

Under the new law, employers will be prohibited from asking job applicants their salary history or relying on the applicant's salary history in determining the salary to offer the applicant, unless it is voluntarily provided by a prospective employee to support a higher wage than that offered by the employer. Employers will no longer be permitted to ask the applicant's current or former employer for the salary history of the applicant, unless an employer is seeking to confirm wage information after a candidate voluntarily discloses it to support a higher wage than that offered by the employer. In these circumstances, written authorization must be obtained from the applicant before seeking confirmation.

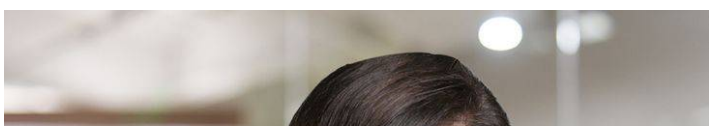
Westchester County joins New York City and Albany County in prohibiting inquiries on job applicants' salary history, which have had similar prohibitions in place since October 31, 2017 and December 17, 2017, respectively. Meanwhile, Governor Cuomo has proposed legislation that would ban inquiries into salary history statewide.

Westchester 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 and trained on the new law to avoid violations.

Employers throughout the state must monitor developments on proposed legislation banning salary history inquiries statewide. As the salary history prohibition movement continues to gain momentum, employers in New York—and across the country—must monitor the latest developments and stay alert for similar legislation that may come to their area.

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