

Court Rules Philadelphia Employers Can Ask for Salary History, But Can't Use It to Set Pay

Insights

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The salary history ban trend that has been sweeping the nation for past few years hit a speedbump a few weeks ago in Philadelphia. In January 2017, Philadelphia became the first city in the nation to adopt legislation prohibiting employers from inquiring about the salary histories of applicants. However, the ordinance came under heavy fire by Chamber of Commerce for Greater Philadelphia and some of the city's large employers, which challenged the legality of the ordinance in a lawsuit. It was originally to take effect in May 2017 but the city agreed to delay implementation pending the outcome of the lawsuit.

On April 30, 2018, the United States District Court for the Eastern District of Pennsylvania ruled that restricting employers from asking candidates to reveal their past salaries violates the First Amendment's free speech clause. However, the court also ruled that the city could prohibit employers from using salary to set pay. As a result, Philadelphia employers can ask about history but can't do much, if anything, with that information once they have it in hand. We continue to counsel employers to consider eliminating questions about salary history altogether.

For more information about this important decision, check out this blog post [here](#).

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Cheryl Pinarchick
Senior Counsel
417.522.9215

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