



Suffolk County's RISE Act: Another NY County Prohibits Salary History Inquiries

Insights

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Suffolk County joins New York City, Albany County, and Westchester County to become the latest jurisdiction in New York to ban employers from asking about a job applicant's salary history. The Restrict Information Regarding Salary and Earnings (the "RISE" Act) was passed by the Suffolk County legislature on November 20 and signed into law by Suffolk County Executive Steve Bellone on November 30. The effective date will be here before you know it; what do employers need to know about the new law?

Details About the RISE Act

Effective June 30, 2019, employers and employment agencies (or any agent thereof) in Suffolk County cannot inquire about a job applicant's wage or salary history, including both compensation and benefits. The prohibition applies to written and oral inquiries, as well as searches of publicly available records or reports. Additionally, salary history cannot be relied upon when determining the wage or salary to offer a job applicant. The RISE Act does not apply to actions taken pursuant to any federal, state, or local law that requires the disclosure or verification of salary for employment purposes, or to the exercise of any right pursuant to a collective bargaining agreement.

A Growing Trend in New York

As noted, Suffolk County joins New York City, Albany County and Westchester County in prohibiting inquiries on job applicants' salary history. The New York City salary history ban has been in place since October 31, 2017. Albany County passed a similar measure effective December 17, 2017, and Westchester County jumped on board with a prohibition that took effect July 9, 2018. The RISE Act is very similar to these other salary history bans, but there are key differences. Most notably, unlike the New York City and Westchester laws, the RISE Act does not permit consideration of salary history even if it is voluntarily disclosed by the applicant.

While New York localities continue to enact salary history legislation, a statewide ban could be on the horizon. In April 2018, Governor Cuomo proposed legislation that would ban all employers in New York from asking job applicants about their salary history. The New York State Assembly promptly passed statewide legislation, but the bill has not gained headway with the New York State Senate. Employers can expect Governor Cuomo to continue to push a statewide salary history ban.

Next Steps

Suffolk 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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