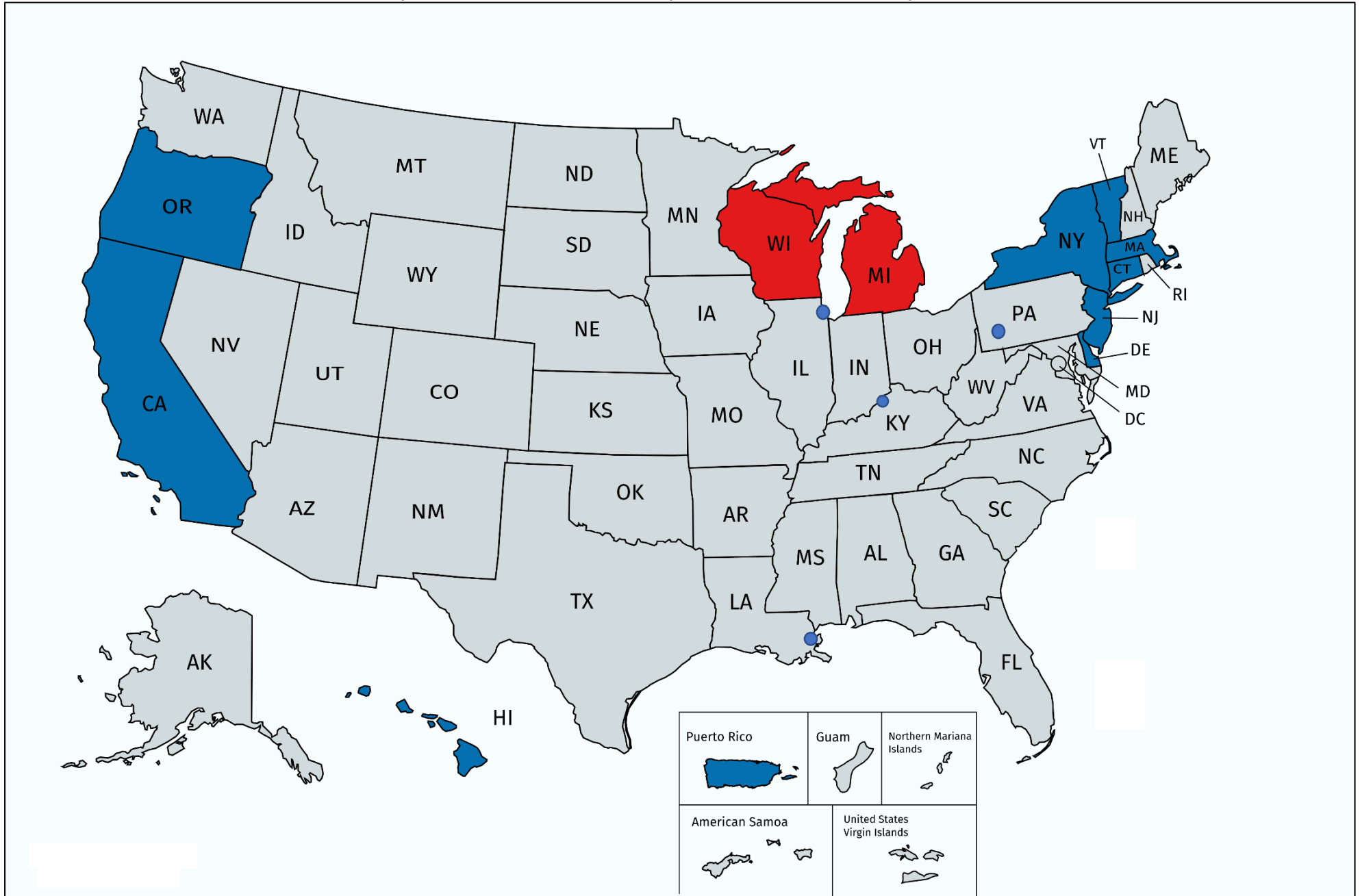


# Compensation History Laws: State by State



## Compensation History Laws: State by State

<b>Location of Employer</b>	<b>CALIFORNIA</b>
<b>Authority</b>	Labor Code § 432.3
<b>Effective Date</b>	January 1, 2018
<b>Effect on Employers</b>	Employers may not rely on salary information of an applicant for employment as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant. Additionally, employers may not seek salary history information of an applicant.
<b>Effect of Agent</b>	Employers may not seek salary history information through an agent.
<b>Voluntary Disclosure</b>	If an applicant voluntarily discloses salary history information, without prompting, then the employer may rely on the voluntarily disclosed information in determining salary for the applicant.

<b>Location of Employer</b>	<b>SAN FRANCISCO, CA</b>
<b>Authority</b>	San Francisco Ordinance No. 170350
<b>Effective Date</b>	July 1, 2018
<b>Effect on Employers</b>	Employers may not consider or rely on applicant's salary history as a factor in determining whether to offer employment to an applicant or what salary to offer, and employers may not inquire about an applicant's salary history.
<b>Voluntary Disclosure</b>	Applicants may, without prompting, voluntarily disclose salary history information, and employers may use this voluntary information to determine salary for the applicant.

<b>Location of Employer</b>	<b>CONNECTICUT</b>
<b>Authority</b>	Public Act No. 18-8
<b>Effective Date</b>	January 1, 2019
<b>Effect on Employers</b>	Employers may not inquire or direct a third party to inquire about a prospective employee's wage and salary history.
<b>Voluntary Disclosure</b>	If a prospective employee voluntarily discloses salary history information, then the employer may rely on the voluntarily disclosed information.

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<b>Location of Employer</b>	<b>CHICAGO, IL</b>
<b>Authority</b>	Executive Order No. 2018-1
<b>Effective Date</b>	April 10, 2018
<b>Effect on Employers</b>	City employers may not seek wage or salary history. Additionally, city employers may not screen applicants based on salary or wage history as a condition of being interviewed, considered for employment, or offered compensation.

<b>Location of Employer</b>	<b>DELAWARE</b>
<b>Authority</b>	19 Del. C. § 709B
<b>Effective Date</b>	December 14, 2017
<b>Effect on Employers</b>	Employers may not screen applicants based on compensation histories or seek compensation history from previous employers. Employers may negotiate compensation expectations provided employer does not request compensation history. Employers may seek compensation history after offer is provided for sole purpose of confirming applicant's pay history.
<b>Effect of Agent</b>	Agents who are not employees of the employer and are otherwise instructed to comply with the requirements of the statute, but fail to do so, will not subject the employer to liability. Agents may negotiate compensation expectations provided agent does not request compensation history. Agents may seek compensation history after offer is provided for sole purpose of confirming applicant's pay history.

<b>Location of Employer</b>	<b>HAWAII</b>
<b>Authority</b>	HI Rev Stat § 378-
<b>Effective Date</b>	January 1, 2019
<b>Effect on Employers</b>	Employers may not inquire about salary history of an applicant or rely on salary history to determine compensation during the hiring process.
<b>Effect of Agent</b>	Agents and employment agencies must also refrain from inquiring about salary history.
<b>Voluntary Disclosure</b>	If an applicant voluntarily discloses salary history information, without prompting, then the prospective employer may rely on the voluntarily disclosed information in determining salary for the applicant.

## Compensation History Laws: State by State

<b>Location of Employer</b>	<b>LOUISVILLE, KY</b>
<b>Authority</b>	Ordinance No. 066, Series 2018
<b>Effective Date</b>	May 17, 2018
<b>Effect on Employers</b>	City agencies may not inquire about salary history, consider or rely on salary history of an applicant in determining salary, benefits or other compensation during the hiring process, or refuse to hire an applicant for failure to disclose salary information. The ordinance does not apply to applicants for internal transfer within a city agency.
<b>Voluntary Disclosure</b>	If an applicant voluntarily discloses salary history information, without prompting, then the prospective city employer may verify the applicant's salary history after the applicant is offered employment.

<b>Location of Employer</b>	<b>MASSACHUSETTS</b>
<b>Authority</b>	Mass. Gen. Laws c. 149 § 105A(c)
<b>Effective Date</b>	July 1, 2018
<b>Effect on Employers</b>	Employers may not require an employee to refrain from inquiring, discussing or disclosing information about either employee's own wages or about other employee's wages. Employers may not screen applicants based on wage or salary history or require, as a condition of being interviewed or continued employment, disclosure of salary history information. Additionally, prospective employers may not seek salary history information from current or past employers, unless the sole reason is to confirm pay history information after an offer of employment has been made.

<b>Location of Employer</b>	<b>NEW JERSEY</b>
<b>Authority</b>	NJ Executive Order No. 1 (2018)
<b>Effective Date</b>	February 1, 2018
<b>Effect on Employers</b>	State employers may not inquire about current or previous salaries until an offer of employment has been made with an explanation of the compensation package to the applicant. Additionally, state employers may not search public databases to discover previous salary histories and must take all reasonable measures to not inadvertently discover previous salary.

<b>Location of Employer</b>	<b>NEW ORLEANS, LA</b>
<b>Authority</b>	Executive Order MJL 17-01
<b>Effective Date</b>	January 25, 2017
<b>Effect on Employers</b>	Employers are prohibited from inquiring about a candidate's salary history during the application and interview process.

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<b>Location of Employer</b>	<b>NEW YORK</b>
<b>Authority</b>	NY Executive Order No. 161 (2017)
<b>Effective Date</b>	January 9, 2017
<b>Effect on Employers</b>	State entities may not inquire about or mandate disclosure of salary history of an applicant until a conditional offer of employment is extended with a compensation package.

<b>Location of Employer</b>	<b>ALBANY COUNTY, NY</b>
<b>Authority</b>	Local Law No. P for 2016
<b>Effective Date</b>	December 17, 2017
<b>Effect on Employers</b>	Employers may not screen applicants based on their wage history or require as a prerequisite to an interview, or offer of employment, disclosure of wage history. Additionally, employers may not seek salary history information from current or former employers of the applicant.

<b>Location of Employer</b>	<b>WESTCHESTER COUNTY, NY</b>
<b>Authority</b>	Resolution No. 28-2018
<b>Effective Date</b>	July 9, 2018
<b>Effect on Employers</b>	Employers may not screen applicants based on their wage history or require as a prerequisite to an interview, or offer of employment, disclosure of wage history. Additionally, employers may not seek salary history information from current or former employers of the applicant.
<b>Voluntary Disclosure</b>	An employer may rely on prior wage history when it is voluntarily provided by a prospective employee to support a wage higher than the wage offered by the employer.

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<b>Location of Employer</b>	<b>NEW YORK CITY, NY</b>
<b>Authority</b>	N.Y.C. Admin. Code § 8-107(25)
<b>Effective Date</b>	October 31, 2017
<b>Effect on Employers</b>	Employers may not inquire about the salary history of an applicant. Employers may not rely on salary history in determining the salary, benefits, or other compensation, for an applicant during the hiring process. This section does not include applicants for internal transfer or promotion with current employer.
<b>Effect of Agent</b>	Employment agencies, and employees or agents thereof may not inquire about the salary history of an applicant. Employment agencies, and employees or agents thereof may not rely on salary history in determining the salary, benefits, or other compensation, for an applicant during the hiring process.
<b>Voluntary Disclosure</b>	Employers, employment agencies, and employees or agents thereof may rely on voluntary, unprompted disclosure of salary history information from an applicant in determining salary, benefits, and other compensation.

<b>Location of Employer</b>	<b>OREGON</b>
<b>Authority</b>	ORS 652.220
<b>Effective Date</b>	January 1, 2019
<b>Effect on Employers</b>	Employers may not screen applicants based on current or past compensation or determine compensation based on current or past compensation. Employers may still consider compensation of current employee during a transfer, move or hire of employee to new position with same employer.

<b>Location of Employer</b>	<b>PITTSBURGH, PA</b>
<b>Authority</b>	Pittsburgh Code of Ordinances § 181.13: Ensuring Wage Equity
<b>Effective Date</b>	January 30, 2018
<b>Effect on Employers</b>	The City of Pittsburgh or any division, department, agency or office thereof may not inquire about an applicant's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosure of wage history. Additionally, the City of Pittsburgh may not rely on wage history of an applicant from any current or former employer of the individual in determining the wages for such an individual at any stage during the employment process. Take note, this section applies only to the City of Pittsburgh or any division, department, agency or office thereof and not to private employers, not connected to the City of Pittsburgh.

## Compensation History Laws: State by State

<b>Location of Employer</b>	<b>PUERTO RICO</b>
<b>Authority</b>	Puerto Rico Act No. 16 of March 8, 2017
<b>Effective Date</b>	March 8, 2017
<b>Effect on Employers</b>	Employers may not inquire into an applicant's past salary history, unless the applicant, without prompting, volunteered the information.

<b>Location of Employer</b>	<b>VERMONT</b>
<b>Authority</b>	21 V.S.A. § 495m
<b>Effective Date</b>	July 1, 2018
<b>Effect on Employers</b>	Employers may not inquire about an applicant's salary history or determine whether to interview an employee based on salary history.
<b>Voluntary Disclosure</b>	If a prospective employee discloses information about his or her past compensation, an employer may, after making an offer of employment with compensation, seek to confirm the voluntarily disclosed information.

<b>State</b>	<b>MICHIGAN</b>
<b>Authority</b>	MCL 123.1384
<b>Effective Date</b>	June 24, 2018
<b>Effect on Localities</b>	Local governmental bodies may not adopt, enforce, or administer an ordinance or local policy or resolution which regulates information an employer or potential employer must request.

<b>State</b>	<b>WISCONSIN</b>
<b>Authority</b>	Wisconsin Statute Section § 103.36
<b>Effective Date</b>	April 16, 2018
<b>Effect on Localities</b>	An employer has the right to solicit salary information, and no city, village, town, or county may enact or enforce an ordinance prohibiting an employer from soliciting information regarding the salary history of prospective employees.