

JOB APPLICANT FACT SHEET:

Protections Against Inquiries into Job Applicants' Salary History

Starting October 31, 2017, employers in New York City cannot ask about or rely on your salary history during the hiring process. The law is aimed at disrupting the cycle of wage inequality for women and people of color and encouraging employers to set compensation based on qualifications.

Q. Who is protected?

A. Most applicants for new employment in New York City are protected, regardless of whether the position is full-time, part-time, or an internship. Independent contractors who do not have their own employees are also protected.

Q. Who is not protected?

A. The law does not apply to:

- Applicants for internal transfer or promotion with their current employer.
- Applicants for positions with public employers for which compensation is set pursuant to a collective bargaining agreement. However, City agencies are prohibited from inquiring about or relying on job applicants' salary history pursuant to Mayoral Executive Order 21, signed on November 4, 2016.

What is prohibited?

A. Employers cannot:

- Ask you questions about or solicit information about your current or prior earnings or benefits, for example on job applications.
- Ask your current or former employers or their employees about your current or prior earnings or benefits.
- Search public records to learn about your current or prior earnings or benefits.
- Rely on information about your current or prior earnings or benefits to set your compensation.

Q. What is not prohibited?

A. Employers can:

- Make statements about the anticipated salary, salary range, bonus, and benefits for a position.
- Inquire about your expectations or requirements for salary, benefits, bonus, or commission structure.
- Ask about objective indicators of your work productivity in your current or prior job such as revenue or profits generated, sales, production reports, or books of business.
- Make inquiries to your current or former employers or search online to verify non-salary information, such as work history, responsibilities, or achievements. However, if this results in the accidental discovery of current or prior earnings or benefits, the employer cannot rely on this information in making salary or benefits decisions.
- Make inquiries about your current or prior earnings or benefits that are authorized or required by federal, state, or local law.
- Verify and consider current or prior earnings or benefits **only if you voluntarily provide it without prompting during the interview process.**

Q. What are the consequences for employers who are found to violate the law?

A. They may be required to pay damages, a fine, and/or be subject to additional affirmative relief such as mandated training and posting requirements.

If you have experienced salary history discrimination, we can help. Contact the NYC Commission on Human Rights by calling 311 or call the Commission's Infoline directly at (718) 722-3131. For more information, visit NYC.gov/HumanRights.



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