Legislation Details (With Text)

File #:	Int 1253-2016 **Version:** A	**Name:**	Prohibiting employers from inquiring about a prospective employee's salary history.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Civil Rights
On agenda:	8/16/2016		
Enactment date:	5/4/2017	**Enactment #:**	2017/067

Title: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from inquiring about or relying on a prospective employee's salary history

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Indexes: Oversight

Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1253-A, 3. Int. No. 1253 - 8/16/17, 4. August 16, 2016 - Stated Meeting Agenda with Links to Files, 5. Committee Report 12/13/16, 6. Hearing Testimony 12/13/16, 7. Hearing Transcript 12/13/16, 8. Proposed Int. No. 1253-A - 3/30/17, 9. Committee Report 4/4/17, 10. Hearing Transcript 4/4/17, 11. Committee Report - Stated Meeting, 12. April 5, 2017 - Stated Meeting Agenda with Links to Files, 13. Fiscal Impact Statement, 14. Int. No. 1253-A (FINAL), 15. Hearing Transcript - Stated Meeting 4-5-17, 16. Mayor's Letter, 17. Minutes of the Stated Meeting - April 5, 2017, 18. Local Law 67

Date	Ver.	Action By	Action	Result
8/16/2016	*	City Council	Introduced by Council	
8/16/2016	*	City Council	Referred to Comm by Council	
12/13/2016	*	Committee on Civil Rights	Hearing Held by Committee	
12/13/2016	*	Committee on Civil Rights	Laid Over by Committee	
4/4/2017	*	Committee on Civil Rights	Hearing Held by Committee	
4/4/2017	*	Committee on Civil Rights	Amendment Proposed by Comm	
4/4/2017	*	Committee on Civil Rights	Amended by Committee	
4/4/2017	A	Committee on Civil Rights	Approved by Committee	Pass
4/5/2017	A	City Council	Approved by Council	Pass
4/5/2017	A	City Council	Sent to Mayor by Council	
4/25/2017	A	Mayor	Hearing Held by Mayor	
5/4/2017	A	Mayor	Bill Signing Scheduled by Mayor	
5/4/2017	A	Mayor	Signed Into Law by Mayor	
5/5/2017	A	City Council	Recved from Mayor by Council	

Int. No. 1253-A

By the Public Advocate (Ms. James), Council Members Crowley, Cumbo, Rosenthal, Salamanca, Lander, Ferreras-Copeland, Williams, Richards, Palma, Dromm, Rose, Reynoso, Gibson, Espinal, Cornegy, Kallos, Koslowitz, Rodriguez, Levine, Menchaca, Constantinides, Treyger, Torres, Miller, Mendez, Maisel, Chin, Barron, Mealy, Cohen, King, Levin, Eugene, Wills and Van Bramer

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from inquiring about or relying on a prospective employee's salary history

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 25 to read as follows:

25. Employment; inquiries regarding salary history. (a) For purposes of this subdivision, "to inquire" means to communicate any question or statement to an applicant, an applicant's current or prior employer, or a current or former employee or agent of the applicant's current or prior employer, in writing or otherwise, for the purpose of obtaining an applicant's salary history, or to conduct a search of publicly available records or reports for the purpose of obtaining an applicant's salary history, but does not include informing the applicant in writing or otherwise about the position's proposed or anticipated salary or salary range. For purposes of this subdivision, "salary history" includes the applicant's current or prior wage, benefits or other compensation. "Salary history" does not include any objective measure of the applicant's productivity such as revenue, sales, or other production reports.

(b) Except as otherwise provided in this subdivision, it is an unlawful discriminatory practice for an employer, employment agency, or employee or agent thereof:

1. To inquire about the salary history of an applicant for employment; or

2. To rely on the salary history of an applicant in determining the salary, benefits or other compensation for such applicant during the hiring process, including the negotiation of a contract.

(c) Notwithstanding paragraph (b) of this subdivision, an employer, employment agency, or employee or agent thereof may, without inquiring about salary history, engage in discussion with the applicant about their expectations with respect to salary, benefits and other compensation, including but not limited to unvested

equity or deferred compensation that an applicant would forfeit or have cancelled by virtue of the applicant's resignation from their current employer.

(d) Notwithstanding subparagraph 2 of paragraph (b) of this subdivision, where an applicant voluntarily and without prompting discloses salary history to an employer, employment agency, or employee or agent thereof, such employer, employment agency, or employee or agent thereof may consider salary history in determining salary, benefits and other compensation for such applicant, and may verify such applicant's salary history.

(e) This subdivision shall not apply to:

(1) Any actions taken by an employer, employment agency, or employee or agent thereof pursuant to any federal, state or local law that specifically authorizes the disclosure or verification of salary history for employment purposes, or specifically requires knowledge of salary history to determine an employee's compensation;

(2) Applicants for internal transfer or promotion with their current employer;

(3) Any attempt by an employer, employment agency, or employee or agent thereof, to verify an applicant's disclosure of non-salary related information or conduct a background check, provided that if such verification or background check discloses the applicant's salary history, such disclosure shall not be relied upon for purposes of determining the salary, benefits or other compensation of such applicant during the hiring process, including the negotiation of a contract; or

(4) Public employee positions for which salary, benefits or other compensation are determined pursuant to procedures established by collective bargaining.

§ 2. This local law takes effect 180 days after it becomes law, provided that the commission on human rights may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

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03/28/17

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