

Salary History Ban

Beginning on January 6, 2020, employers in **New York State** are prohibited from directly or indirectly inquiring about an applicant's salary history. Applicants may voluntarily disclose their salary history to a prospective employer, as long as it is disclosed without prompting from the prospective employer. If an applicant voluntarily and without prompting discloses their salary history information, the prospective employer may seek to confirm the applicant's salary history and consider this information when determining what salary to offer the applicant. The applicant's current employer may confirm the employee's salary history only if at the time an offer of employment is made, the applicant responds to the offer by providing their salary history in an effort to obtain a higher salary than the salary being offered.

New York State employers cannot request prior salary history information from their current employees as a condition of being interviewed or considered for a promotion. Employers may, however, consider salary history information already in their possession for existing employees. For example, an employer may consider an employee's current salary or starting salary with that employer when considering a potential raise for the employee, but the employer may not ask that employee about their previous salary from other employers.

Employers are prohibited from retaliating against employees or applicants for refusing to provide their salary history or complaining about an alleged violation of this law.