

SALARY INQUIRY BAN IN EFFECT FOR ALBANY COUNTY EMPLOYERS

Labor and Employment Alert
December 26, 2017

Effective December 17, 2017, employers and employment agencies in Albany County with four or more employees within the county are barred from: (1) screening job applicants “based on their wage, including benefits or other compensation or salary histories”; (2) requesting or requiring, as a condition of being interviewed or continued consideration, that a job applicant disclose prior wages or salary history; or (3) seeking the salary history of any job applicant from any current or former employer. The law only contains one narrow exception to the foregoing prohibitions: employers or employment agencies may confirm a job applicant’s prior wages, benefits, or other compensation history *after* extending an offer of employment, *including compensation information*, to the applicant, with the written authorization of the applicant.

Employers that inquire about or rely upon a job applicant’s salary history in violation of this law may be subject to compensatory damages, reinstatement (with or without back pay), and reporting and/or oversight imposed by the Albany Commission on Human Rights. In addition, the law provides for a private right of action for individuals who wish to pursue claims for violation of this law.

Covered Albany County employers should ensure their written job application forms do not seek or require applicants to disclose their prior salaries, benefits, or other compensation information as part of the initial job application or interview process. Employment policies, such as those that are memorialized in employee handbooks, should conform with the law’s requirements. For employers who will request salary history information for an applicant after a job offer (including a salary offer) is made, template notice and consent forms should be developed so that the job applicant can provide his/her written consent to the employer obtaining his/her prior compensation information. Lastly, hiring procedures should be reviewed to ensure that the job interview or reference check process does not require the job applicant to provide his/her compensation history until after an offer of employment, with compensation information, has been made.

Employers with questions concerning this law may contact any one of the attorneys in our Labor and Employment Group.

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