



New York Salary History Question Ban Takes Effect

Beginning January 6, 2020, it became illegal for any public or private employer in New York to request or require a job applicant's salary history (including benefits) in deciding whether or not to interview or hire the applicant, as well as to rely on a job applicant's salary history in determining the applicant's salary. It *also* became illegal to request or require salary history as a condition of continuing to employ a current employee or promote a current employee. Finally, employers may never retaliate against any applicant or employee who does not provide a salary history in accordance with the law, or who files a complaint asserting a violation of the law.

The law does not prohibit employers from considering a job applicant's voluntarily disclosed salary history, or from asking an applicant for salary expectations (i.e. desired salary for the job being applied for). It also does not cover independent contractors or freelancers unless they work through an employment agency.

To assist businesses in complying with this law, the New York State Department of Labor ([DOL](#)) published [answers](#) to frequently asked questions last month. Notably, the law applies to any job primarily located in New York, regardless of where an employer is based or where/how it conducts interviews.

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