

Int. No. 1253

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 and Eugene

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:

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

3 25. Employment; prospective employee salary history. (a) It is an unlawful
4 discriminatory practice for an employer, employment agency, employee or agent thereof:

5 1. To inquire, in writing or otherwise, about the salary history, including, but not limited
6 to, compensation and benefits, of an applicant for employment. For purposes of this subdivision,
7 “to inquire” means to ask an applicant in writing or otherwise or to conduct a search of publicly
8 available records or reports.

9 2. To rely on the salary history of an applicant for employment in determining the salary
10 amount for such applicant at any stage in the employment process, including the contract, unless
11 such applicant, unprompted, willingly disclosed such salary history to such employer,
12 employment agency, employee or agent thereof.

13 (b) This subdivision does not apply to any actions taken by an employer, employment
14 agency, employee or agent thereof pursuant to any federal, state or local law that authorizes the
15 disclosure or verification of salary history for employment purposes.

16 § 2. This local law takes effect 120 days after it becomes law.

CURRENT INTRODUCTION NUMBER:

[Int. No. 1253-A](#)

PRIME SPONSORS:

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 and Eugene

TITLE:

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

BILL SUMMARY:

This plain language summary is for informational purposes only and does not substitute for legal counsel. For more information, you should review the [full text of the bill](#), which is available online at legistar.council.nyc.gov.

This bill would prohibit employers from inquiring about a prospective employee's salary history during all stages of the employment process. In the event that an employer is already aware of a prospective employee's salary history, this bill would prohibit reliance on that information in the determination of salary. When employers rely on salary histories to determine compensation, they perpetuate the gender wage gap. Adopting measures like this bill can reduce the likelihood that women will be prejudiced by prior salary levels and help break the cycle of gender pay inequity.

CODE SECTIONS AFFECTED:

- Adds Administrative Code § 8-107(25)

EFFECTIVE DATE:

120 days after enactment

NOTE: In the full bill text online at legistar.council.nyc.gov, language in proposed consolidated laws that is enclosed by [brackets] would be deleted, and language that is underlined would be new. Language in proposed unconsolidated laws, in contrast, will not have brackets or underlining because it would be entirely new. Consolidation means that the law is placed in the New York City Charter or Administrative Code.

LEGISLATIVE IMPACT:

Please select any of the following which apply to this legislation.

- Agency Rulemaking Required:** Is City agency rulemaking required?
- Report Required:** Is a report due to Council required?
- Oversight:** Are there seemingly clear points for City agency oversight and/or evaluation?
- Sunset Date Included:** Does the legislation have a sunset date?

- Grace Period Applies:** In the case of fines or other penalties, is a grace period established?
- Council Appointment Required:** Is an appointment by the Council required?
- Other Appointment Required:** Are other appointments not by the Council required?
- Council Operations:** Might this law affect the Council's own operations?