

Pay Equity Legislation Overview

In an effort to close the gender pay gap, a growing number of U.S. cities, states, and territories have passed measures that bar employers from inquiring into a job candidate's compensation history. While employers are not prohibited from discussing salary expectations, HireRight suggests a best practice of refraining from inquiring about a candidate's previous compensation. We recommend that organizations consider the following restrictions in consultation with their legal counsel as they may impact their screening program.

For the purpose of brevity, the responses in the table below have been simplified. For a comprehensive examination of all Pay Equity legislation by state, region, and municipality, please download HireRight's free eBook, Pay Equity Legislation 2022.

Jurisdiction	Effective Date	Can an Employer Ask a Candidate Directly About Their Compensation History?	Can an Employer Use Compensation History Voluntarily Disclosed by a Candidate?	Can an Employer Ask a Former Employer To Disclose a Candidate's Compensation History?
Albany County, NY	Dec. 17, 2020	No	Not specified; however a job applicant may provide written authorization to confirm prior compensation after an offer of employment that includes compensation has been made to the job applicant.	No
California	Jan. 1, 2018	No	Yes, a candidate can voluntarily and without prompting disclose salary history. If this happens, the employer may consider or rely on that information in determining the salary for that candidate.	No
Cincinnati, OH	Mar. 13, 2020	No	No. A voluntarily disclosure of past compensation cannot be relied upon for purposes of determining future compensation including the negotiation of a contract.	No
Colorado	Jan. 1, 2021	No	No. Employers cannot rely on a candidate's former compensation to determine future prospective compensation.	No
Connecticut	Jan. 1, 2019	No	Yes, upon the candidate's voluntarily disclosure of information about his or her current or past compensation.	No
Delaware	Dec. 14, 2017	No	Not specified; the law allows confirmation of wages post-offer.	No
Hawaii	Jan. 1, 2019	No	Yes, upon the candidate's voluntarily disclosure of information about his or her current or past compensation.	No

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Illinois	Sep. 29, 2019	No	No. Employers cannot screen job applicants based on their current or prior wages or salary histories.	No
Kansas City, MO	Oct. 31, 2019	No	No. Employers cannot rely on the salary history of an applicant in deciding whether to offer employment to an applicant, or in determining the salary, benefits, or other compensation for such applicant during the hiring process, including the negotiation of an employment contract.	No
Maine	Sep. 17, 2019	No	Employers may confirm a prospective employee's compensation history if that compensation history was voluntarily disclosed without prompting.	No
Massachusetts	Jul. 1, 2018	No	Yes, if a candidate "voluntarily discloses" information, an employer may confirm after offer of employment with compensation has been made.	No
Nevada	Oct. 1, 2021	No	No. An employer cannot rely on the wage or salary history of an applicant to determine whether to offer employment or the rate of pay.	No
New Jersey	Jan. 1, 2020	No	Yes. If former compensation has been voluntarily disclosed by the candidate the employer may verify that information.	Yes. After a conditional offer of employment that includes compensation terms.
New York	Jan. 6, 2020	No	No. An employer is prohibited from relying on the wage or salary history of an applicant in determining whether to offer employment to such individual or in determining the wages or salary for such individual.	No
New York City, NY	Oct. 31, 2017	No	Yes, an employer can rely on compensation history if a candidate "unprompted" and "willingly" discloses prior compensation information.	No
Oregon	Effective Jan. 1, 2019 but not enforced until Jan. 1, 2024	No	An employer may not confirm salary history before an offer of employment is made, even if a candidate voluntarily discloses the information. An employer can, however, confirm prior compensation after an offer with compensation has been made, and the candidate provides authorization.	No
Philadelphia, PA	Sep. 1, 2020	No	Yes. If former compensation has been voluntarily disclosed by the candidate, the employer may verify that information to support a higher compensation decision.	No

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Puerto Rico	Mar. 8, 2017, but enforced from Mar. 8, 2018	No	Yes, if candidate "voluntarily discloses" information, an employer may confirm this after an offer of employment with compensation has been made.	No
Rhode Island	Jan. 1, 2023	No	Yes. If former compensation has been voluntarily disclosed by the candidate, the employer may verify that information to support a higher compensation decision.	No
San Francisco, CA	Jul. 1, 2018	No	If a candidate voluntarily—and without prompting—shares his or her salary history, the prospective employer may consider it and may verify that data with a prior employer.	No
Suffolk County, NY	Jun. 30, 2019	No	No. Employers and their agents cannot rely on the salary history of an applicant or employment in determining the wage or salary amount for such applicant at any stage in the employment process including the offer or contract.	No
Toledo, OH	Jun. 25, 2020	No	No. Employers cannot rely on a candidate's former compensation to determine future prospective compensation or benefits during the hiring process, including the negotiation of an employment contract.	No
Vermont	Jul. 1, 2018	No	Yes, if a prospective employee voluntarily discloses information about his or her current or past compensation, an employer may, after making an offer of employment with compensation to the prospective employee, seek to confirm or request that the prospective employee confirm that information.	No
Washington	Jul. 9, 2018	No	Yes. If former compensation has been voluntarily disclosed by the candidate the employer may verify that information.	No
Westchester County, NY	Jul. 9, 2018	No	Yes, if a candidate "voluntarily discloses" information, an employer may confirm after offer of employment with compensation has been made.	No

Getting Started

For more information about Pay Equity Legislation in the U.S., download our **free eBook**.

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