

## California Bans Salary History Inquiries

In a continuing effort to address the gender pay gap, California has become the fourth state to outlaw inquiries into salary history, joining Massachusetts, Oregon, and Delaware. Effective January 1, 2018, California employers are prohibited from seeking salary history information from any applicant for employment.

This restriction applies to all pre-employment communications, including written applications, verbal requests, and requests made through an agent. Additionally, upon reasonable request, employers will be required to provide to an applicant for employment the pay scale for the position at issue.

The new law effectively eliminates employers' ability to rely on employees' prior salary in making salary determinations. However, if an applicant voluntarily and without prompting discloses her prior salary, nothing prohibits the employer from considering or relying on that information to set the applicant's salary.

California employers should review and update all applications for employment and excise outdated language seeking information about prior salaries. Employers should also train all hiring personnel, including agencies and anyone who may be interviewing candidates, to ensure that everyone is aware of the new prohibitions.

---

**Cozen O'Connor's Labor & Employment attorneys are available to provide counsel and guidance on the issues discussed in this Alert.**

### Related Practice Areas

- Labor & Employment