



Salary History Ban:

What you need to know...

“On balance, we believe that this law moves our community in the right direction toward gender and racial equity.”

On March 13, 2019, Cincinnati City Council passed a law prohibiting employers in the City of Cincinnati from asking job applicants about their salary or wage history.

Women in the Cincinnati region make \$0.80 for every \$1.00 earned by men, adding up to an average loss of \$327,953 in wages over the course of a career. This wage gap is even greater for persons of color. This law will prevent historic gender and racial disparities from following an employee from one job to the next.

Implementing salary history bans is a key policy recommendation from equity and human resource experts, and similar laws have been passed in over a dozen states and other jurisdictions across the country. By demonstrating that Cincinnati is a welcoming and inclusive community, this law makes us competitive for top talent. These are just a few reasons why we believe this legislation is good for our region.

How the Cincinnati Salary History Ban ordinance works.

- ***Salary History Ban***
 - Cincinnati employers may not inquire about, screen, or rely upon salary history information (including wages, benefits or other compensation) during the job application process.
 - Employers may not retaliate against a job candidate for refusing to provide salary information.
- ***Pay Range Information***
 - Once a conditional offer of employment is made, employers must provide a pay range for the position if it is requested.
- ***Which Employers (and Positions)?***
 - Applies to positions that will be performed within Cincinnati city limits.
 - Applies to any employer with 15 or more employees (including job placement and referral agencies, and the City of Cincinnati).
 - Does NOT include:
 - Government agencies (other than the City of Cincinnati)
 - Internal transfers/promotions or re-hires within 5 years
 - Positions subject to collective bargaining agreements

- **Salary Negotiations:** This does not place limitations on salary negotiations, and employers may still ask about a job candidate's salary expectations.
- **Voluntary Disclosure:** Employers may consider salary history information if it is voluntarily disclosed by job applicants (without prompting).
- **Enforcement:** Enforcement is done through a private cause of action (a lawsuit) by the job applicant. There is not a government agency designated to enforce this law.
- **Employer Safe Harbor:** The legislation creates an "safe harbor" provision for employers that, during the prior three years, have received an external review and made publicly available certification that their hiring practices do not include salary history.
- **Additional Information:** Prior to implementation of the law, a working group will be convened by the City to advise employers and the community on the impact and implementation of the legislation.

Note: This ordinance was passed in March 2019. It will not go into effect until on or about April 11, 2020.

Are you an employer? How you can begin implementing this law now.

Several human resource websites provide guidance on how to remove salary history questions from the job application process. See below for additional information:

- [Salary History Bans Could Reshape Pay Negotiations](#), Society for Human Resource Management, February 16, 2018 (available at www.shrm.org)
- [The Salary History Ban: Your Guide to Dealing with This Dreaded Interview Question](#), Gusto, December 2017 (available at www.gusto.org)
- [How to Comply with Bans on Queries About a Candidate's Salary History](#), Society for Human Resource Management, September 7, 2017 (available at www.shrm.org)

Are you a job applicant? Here's how this law will impact you.

Beginning April 2020, employers with 15 or more employees in the City of Cincinnati may not ask about your current or prior salary or wages during the application and interview process.

- Employers will still be permitted to ask about your salary expectations.
- Job applicants may voluntarily disclose their salary history, so long as it is truly voluntary and not prompted by the potential employer.
- Employers must provide a position pay range once they make a conditional job offer to an applicant (upon request by the applicant).

Want to learn more? Review the complete background research and information we provided to Cincinnati City Council in support of the salary history ban. Contact Holly Hankinson at holly.hankinson@gcfdn.org.

**Disclaimer: The information contained here is not legal advice nor is it a substitute for legal advice. For specific guidance on how this legislation impacts you or your business, please consult an attorney.