



2018 New York State YMCA
Youth And Government

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Committee Assignment: Assembly Liberty 4

Bill #: AL-25

1 **Sponsors:** Christopher Baker, Aidan Conroy and Grace Meredith

2

3 **An Act To** Amend New York State Labor Law Section 194 to add Section 194-A to
4 prohibit inquiries regarding wage or salary histories.

5

6 *The People of the State of New York, represented in the Senate and*
7 *Assembly do enact as follows:*

8 **Purpose**

9 To amend the New York State Labor Law Section 194 to add Section 194-A to
10 prohibit employers from inquiring as to a prospective employee's salary or wage
11 history.

12

13 **Summary of Provisions**

14 Section 1 Definitions:

15 Prospective employee- shall mean any individual seeking an interview or
16 employment.

17 Salary or wage history- shall mean any written or oral account of past earnings.

18 Commissioner- shall mean the commissioner of the state department of labor

19 Section 2:

20 Amends the New York Labor Law Section 194 by adding Section 194-A as follows:
21 S 194-A. Prohibition on wage and salary inquiries.

- 22 1. No prospective employer shall request from a prospective employee or prior
23 employer information regarding salary or wage history by oral, written or
24 electronic means.
- 25 2. No prospective employer shall require from a prospective employee
26 information regarding salary or wage history as a condition of employment or
27 promotion or as a prerequisite to being interviewed for employment or
28 promotion.
- 29 3. A prospective employee may voluntarily disclose wage or salary history
30 information to a prospective employer.
- 31 4. If an applicant reports an alleged violation to the Commissioner, the
32 Commissioner shall investigate and provide the employer with a notice an
33 opportunity to be heard.
- 34 5. If the Commissioner finds, after notice and an opportunity to be heard, that
35 an employer has violated the provisions of this Section, the Commissioner
36 may by an order which shall describe particularly the nature of the violation,
37 assess a civil penalty of not more than ten thousand dollars for the first such
38 violation, not more than fifteen thousand dollars for a second violation and
39 not more than twenty thousand dollars for a third or subsequent
40 violation. Such penalty shall be paid to the Commissioner for deposit in the
41 treasury of the state. In assessing the amount of the penalty, the
42 Commissioner shall give due consideration to the size of the employer's



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43 business, the good faith of the employer, the gravity of the violation and the
44 history of previous violations.
45

46 **Justification**

47 A handful of States, including Oregon, California, Massachusetts, and Delaware
48 prohibit employers from asking an applicant or previous employer about a
49 prospective employee's wage or salary history. According to the American
50 Association of University Women, minority women including African American,
51 Hispanic, American Indian and Pacific Islander on average had lower annual
52 earnings compared to Caucasian and Asian-American women, and also compared to
53 men of their same origin Specifically, according to data released by the Census
54 Bureau in 2015, women earn on average, 79.6 cents for every dollar made by their
55 male counterparts. Women of color earn even less- African American women earn
56 70.6 cents to the dollar paid to men, Hispanic women earn 60.7 cents, and Asian
57 American women earn only 94.6 cents for every dollar paid to men. The tactic used
58 by employers of asking prospective employees' salary history is unjust, as it is the
59 root cause for continued wage inequality, justifying the lower pay rates for
60 employers to impose, primarily targeting women and minorities. Because women
61 are on average, paid less than men, basing an employee's salary on their previous
62 salary history and not on experience, job readiness, or skill, this tactic perpetuates
63 inequalities in the workplace. Prohibiting employers from asking about past salary
64 history would protect all job applicants from discrimination on aspects unrelated to
65 their skill and experience. Passing this bill would work to promote equality in
66 employment for all workers.

67 68 **Fiscal Implications**

69 No known fiscal implications.

70 71 **Effective Date**

72 The law will go into effect one calendar year after this bill passes.