

**LEGAL ALERT**  
**COSTELLO, COONEY & FEARON, PLLC**

**NEW YORK STATE ADVANCES LEGISLATION TO BAN EMPLOYERS FROM ASKING PROSPECTIVE EMPLOYEES ABOUT SALARY HISTORY**

Governor Andrew M. Cuomo has advanced legislation to prohibit all employers who do business in New York State from asking prospective employees about their salary history and compensation. This legislation, advanced on April 10, Equal Pay Day, is intended to put New York on track to close the gender wage gap. This new legislation builds on two executive orders signed by the Governor last year to eliminate the wage gap by prohibiting state entities from evaluating candidates based on wage history and requiring state contractors to disclose data on the gender, race and ethnicity of employees.

In 2017, Governor Cuomo directed the Department of Labor to study the causes, scope and economic impact of the gender pay gap in New York State and issue policy recommendations to help close it. Among the DOL report's policy recommendations is one to institute a salary history ban that prohibits all employers, public and private, who do business in New York from asking prospective employees about their salary history and compensation. The proposed legislation incorporates that recommendation. We will advise clients of legislative developments on this proposed prohibition as they occur.

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