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Labor and Employment Alert: Philadelphia Bans Inquiries into Job Applicants' Wage History

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Michael J. Ball

Michael C. Griffaton

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Philadelphia Mayor Jim Kenney recently signed into law an ordinance designed to address gender-based wage disparities by prohibiting employers from inquiring about a job applicant's wage history. This ordinance follows a similar law enacted by [Massachusetts in August 2016](#) which became the first state to prohibit employers from asking about or requiring a job applicant to disclose his or her wage history. Similar legislation has since been introduced in New Jersey, Pennsylvania, and New York City.

The Philadelphia ordinance makes it an unlawful employment practice for an employer or employment agency to:

- Inquire about a prospective employee's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosing wage history. "Inquire" means asking a job applicant in writing or otherwise; "wages" means all earnings of an employee (by time, task, piece, commission, or other method of calculation) and includes fringe benefits, wage supplements, or other compensation.
- Rely on the wage history of a prospective employee from any current or former employer of the individual in determining his or her wages at any stage in the employment process, including the negotiation or drafting of any employment contract, unless such applicant knowingly and willingly disclosed his or her wage history.
- Retaliate against a prospective employee for exercising his or her rights under the ordinance.

However, the ordinance does not apply to any actions taken by an employer or employment agency under any federal, state, or local law that specifically authorizes the disclosure or verification of wage history for employment purposes.

The ordinance becomes effective in May 2017. Given this, employers in Philadelphia should review their hiring policies and practices (including their paper and online applications) to ensure that they comply with these prohibitions. Contact your Vorys lawyer if you have questions about doing so or about similar laws that have been enacted or that are pending.