

NJ Employers Banned From Asking Salary History

On July 25, 2019, New Jersey passed a salary history ban, following more than a dozen other states and cities. This law, effective January 1, 2020, will make it unlawful for private employers to ask job applicants about their salary history (prior wages and commissions), benefits, and other compensation. Employers will also be prohibited from requiring that an applicant's salary history satisfy certain minimum or maximum requirements.

Employers will only be allowed to consider salary history in a few, limited instances, including if an applicant voluntarily discloses salary history. Important: only after—an employer has made an offer of employment that includes the compensation terms, an employer may request written authorization from the applicant to confirm salary history.

Employers who violate the law can be fined up to \$1,000 for a first offense, \$5,000 for a second offense, and \$10,000 for violations thereafter.

Action: review applications for employment, job board postings, interview questions and recruiting/hiring practices.