



california bans salary history inquiries for job applicants

MSK Client Alert

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On October 12, 2017, California Governor Jerry Brown signed a significant piece of employment legislation that prohibits California employers from asking job applicants about their salary histories. The new law will take effect on January 1, 2018.

Assembly Bill 168, which adds section 432.3 to the California Labor Code, is intended to promote equal pay, particularly between men and women. It prohibits **all California employers** (including state and local government employers and the state Legislature) from

- Seeking from job applicants, whether "orally or in writing, personally or through an agent," salary history information (including both pay and benefits); and
- Relying on salary history as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant.

In addition, the new law obligates an employer "upon reasonable request" to provide "the pay scale for a position to an applicant applying for employment." (The bill does not address whether an employer must establish a pay scale for all positions, and many employers do not have formal pay scales, particularly for higher level positions).

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