

City of Columbus Bans Consideration of Salary History in the Hiring Process

By Karen D. Adinolfi

Beginning on March 1, 2024, the City of Columbus will ban consideration of salary and wage history during the hiring process for all employers in the City with 15 or more employees. In so doing, Columbus joins a growing list of states and political subdivisions that, in an effort to promote pay equity, have enacted similar bans.

Inquiries into salary and wage history have become controversial in light of the evidence that women often earn less money than men for equal or similar work, and such inquiries have the effect of or potential to perpetuate such discrimination as well as continue to suppress women's wages.

The ban will apply with respect to "applicants," which term is defined as any person applying for employment to be performed in the City, and whose application will be considered in the City, regardless of whether the applicant is interviewed or not. Employers may not make inquiries as to salary or wage history (which includes benefits and other means of compensation) to the applicant or the applicant's previous employers for the purpose of obtaining the salary or wage history. Additionally, they may not conduct a search of publicly available records or reports to determine an applicant's salary or wage history.

So, what is permitted? An employer may still provide information on the proposed salary or wage range for the position being sought, and may continue to have discussions with an applicant about the applicant's salary requirements or expectations for the position sought.

Finally, the ordinance provides for a complaint procedure and civil penalties for employers found to have violated the ordinance's provisions.

What to do now? If your business is located in Columbus and you have 15 or more employees, here are several actions you should take immediately to ensure compliance with the [new ordinance](#).

- Examine your employment applications and job postings, whether paper or electronic, and remove any inquiry into past salary, wages, or benefits or any requirement to disclose such information.
- Educate your internal recruiters about the new ordinance and ensure that outside recruiters are aware of it and its requirements as well.
- Provide guidance and/or training to those in your company who conduct interviews with applicants as to the prohibitions on such inquiries and ensure that any interview guides or "scripts" are free from directives to make such inquiries.

Have additional questions on compliance with this new ordinance? Do not hesitate to contact one of our Employment Services attorneys for skilled and insightful assistance. It is also important to note that

similar ordinances and laws are emerging throughout the country and it is advisable to proactively address these changes via training and policy review under existing equal pay federal and state laws.

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