

Do's and don'ts of navigating the salary history ban.

Across the country, states and municipalities are passing legislation meant to encourage equal pay for women and minorities that have traditionally been impacted by wage disparities. As part of this legislation, employers in these locations can no longer inquire about a job applicant's salary history, including compensation and benefits.

Here are some suggestions to ensure that your business stays compliant:

Do:

- Have clear salary ranges outlined for open positions prior to posting ads and interviewing candidates.
- Listen if candidates volunteer their salaries, because in this case, you can use their past pay to help determine how much to offer them.
- Ask for "productivity metrics" like sales figures or achievements
- As new employees are on-boarded, include a detailed rationale in their personnel file explaining how their salary was determined.
- Use this as an opportunity to ensure that your existing employees are paid fairly and outline specific job titles, pay ranges and responsibilities to produce clarity for both parties.
- Partner with a trusted staffing provider like Special Counsel who can use proprietary data to advise you on competitive salary ranges.

Don't:

- Ask candidates, in any way, about prior compensation, whether salaries, benefits or bonuses.
- Inquire about candidate compensation via a third-party source or mutual acquaintance.
- Prompt candidates to feel as though you would like them to volunteer their pay history.

