

LEGISLATIVE DIGEST

[Police Code - Employer Consideration of Applicant's Salary History]

Ordinance amending the Police Code to ban employers from considering current or past salary of an applicant in determining what salary to offer the applicant, and from asking applicants about their current or past salary; to prohibit employers from disclosing a current or former employee's salary history without that employee's authorization; authorizing the Office of Labor Standards Enforcement to implement and enforce these provisions; and authorizing the City to bring a civil action against an employer for violations.

Existing Law

Existing law permits consideration of current or past salary in setting a job applicant's salary. In addition, existing law permits asking job applicants questions about their current or past salary and doesn't require that an employer have a current or former employee's permission to share that employee's current or past salary.

Amendments to Current Law

This Ordinance adds Article 33 to the Police Code to prohibit consideration of current or past salary in determining what salary to offer an applicant. In addition, this Ordinance prohibits employers from asking applicants about their current or past salary. The Ordinance also prohibits disclosure of a current or former employee's salary without that employee's permission. This Ordinance does permit an employer to consider current or past salary, if the applicant discloses their current or past salary following an initial offer, to determine a counter-offer. The Ordinance authorizes the Office of Labor Standards Enforcement to implement and enforce the Article. Finally, the Ordinance authorizes the City to bring a civil action against an employer for violations of the Article.

Background Information

The purpose of the Ordinance is to narrow or close the gender-based wage gap. By prohibiting consideration of current or past salary in setting salary and prohibiting inquiry about or the sharing of current or past salary as part of the application process, the Ordinance is intended to prevent the perpetuation of historical patterns of gender bias and discrimination.