

Cincinnati, Ohio Passes Ban on Salary History Inquiries

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Cincinnati, Ohio recently became the latest jurisdiction to pass a law that prohibits employers from asking job applicants for their salary history. Under [the Prohibited Salary History Inquiry and Use Ordinance](#) (the “Ordinance”), employers with 15 or more employees located within the City of Cincinnati may not ask about or rely on the prior salary history of prospective employees in determining starting salary.

Specifically, the Ordinance provides that employers must not:

- Inquire about an applicant’s salary history or request reports or other information to determine or verify salary history;
- Screen job applicants based on their current or prior compensation or salary history;
- Rely on salary history when deciding to offer employment, when determining salary or other compensation, or when negotiating an employment contract; or
- Refuse to hire, otherwise disfavor, or retaliate against an applicant for not disclosing their salary history.

For purposes of the Ordinance, applicant is defined as “any person applying for employment to be performed within the geographic boundaries of the City of Cincinnati, and whose application, in whole or in part, will be solicited, received, processed, or considered in the City of Cincinnati, regardless of whether the applicant is interviewed.” The term “inquire” means to ask the applicant or former employer orally, in writing or otherwise, or to conduct a search of publicly available records or reports.

The Ordinance provides an exception for employers to engage in discussions with an applicant about their expectations with respect to salary, benefits and other compensation. There are also exceptions for, among other things: (i) internal transfers or promotions; (ii) employee positions for which salary, benefits and other compensation are subject to a collective bargaining agreement; and (iii) an applicant's voluntary and unprompted disclosure of salary history information.

Individuals alleging violations of the Ordinance may bring a private right of action and potential remedies include compensatory damages, attorneys' fees and costs, and other legal and equitable relief.

The Ordinance will take effect in March 2020. In the meantime, employers in Cincinnati should begin taking steps now to ensure compliance by training human resources and other relevant personnel on these new requirements.

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