

Publications

Columbus, Ohio Salary History Ban Takes Effect March 1, 2024

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Effective March 1, 2024, employers in Columbus, Ohio are prohibited from inquiring into a job applicant's salary history. This stems from the **ordinance** that was passed in March 2023. Columbus joins Cincinnati and Toledo as the latest Ohio city to enact such legislation.

Who Is Covered?

The Columbus ordinance covers all employers located within the city that have 15 or more employees, subject to the exceptions provided below. It applies to both the employer and its agents, including job placement or referral agencies.

"Applicant" for purposes of the ordinance means any person applying for employment to be performed within the City of Columbus, and whose application will be solicited, received, processed, or considered in whole or in part in Columbus. It applies to applicants regardless of whether they are selected for an interview or not.

What Are Employers Prohibited From Doing?

The ordinance makes it an "unlawful discriminatory practice" for an employer to:

1. Inquire about the salary history of an applicant for employment;
2. Screen job applicants based on their current or prior wages, benefits, or other compensation history, including requiring that an applicant's prior wages, benefits, or other compensation history satisfy minimum or maximum criteria;
3. Rely solely on the salary history of an applicant in deciding whether to offer employment to an applicant, or in determining the salary, benefits, or other compensation for such applicant during the hiring process, including the negotiation of an employment contract; and
4. Refuse to hire or otherwise disfavor, injure, or retaliate against an applicant who does not disclose their salary history.

Are There Exceptions?

The ordinance does not apply to any of the following:

1. Actions taken by the employer pursuant to any federal, state, or local law that specifically authorizes the reliance on salary history to determine an employee's compensation;
2. Applicants for internal transfer or promotion with their current employer;
3. A voluntary or unprompted disclosure of salary history information by the applicant;
4. Any attempt by the employer to verify an applicant's disclosure of non-salary related information or conduct a background check, provided that if such verification or background check reveals the applicant's salary history, the disclosure is not solely relied upon for purposes of determining the salary, benefits, or other compensation of such applicant during the hiring process, including the negotiation of an employment contract;
5. Applicants who are re-hired by the employer within three years of the applicant's most recent date of termination by the employer, provided that the employer already has past salary history data from the previous employment of the applicant;
6. Employee positions for which salary, benefits, or other compensation are determined pursuant to procedures establishing by collective bargaining; and
7. Federal, state, and local governmental employers, other than the City of Columbus.

Employers may also, without inquiring about salary history, discuss with an applicant their expectations with respect to salary, benefits, and other compensation.

Next Steps for Employers

Employers should review their applicant materials and hiring practices to make sure they comply with the above prohibitions. An employer who violates the ordinance may be subject to civil penalties of up to \$5,000. Contact your Vorys attorney if you have questions about pay equity laws, salary prohibitions, or other pre-employment inquiries.