

Another question NYC businesses can't ask job applicants

Council to add "How much are you making?" to list of no-no's



By [Rosa Goldensohn](#) April 5, 2017

The City Council is slated to vote Wednesday on a bill to ban city employers from asking potential hires about their salary histories.

Championed by Public Advocate Letitia James, the bill would prohibit such inquiries in an attempt to level the playing field for women, whose pay lags that of men. It would allow conversations about salary expectations and negotiations based on those numbers, but forbid employers from basing offers on past salaries. "Asking questions about salary history during the hiring process perpetuates a cycle of wage discrimination, which is why I introduced legislation to ban this practice," James said in a statement Tuesday.

The bill has drawn criticism from the business community, which is "increasingly frustrated by local government's interference in their relationships with their employees when it comes to hiring, compensation and other workplace decisions," according to testimony from the Partnership for New York City submitted in December.

Manhattan Chamber of Commerce president and CEO Jessica Walker said that while wage disparities between men and women remain "a significant problem," she is not convinced that the measure is "the most effective solution."

"We will wait and see," she said. "In the meantime, it will certainly make the hiring process a bit trickier for some small businesses. Evaluating job applicants is very difficult and while salary history is not the most significant factor, it can be a helpful piece of the puzzle at times."

"Best in class" companies are increasingly performing compensation analysis and tying set pay packages to job titles rather than allowing personal negotiations on salaries, according to Jeffery Tobias Halter, president of consulting firm [YWWomen](#) and the former director of diversity strategy at The Coca Cola Company. But smaller businesses without robust human resources departments will have a harder time because they often base hiring salary on previous history.

"From a women's standpoint, these types of laws are outstanding," Halter said, noting that women are frequently paid less than men with the same job titles because they fail to negotiate, take time off for having children and are shortchanged by subjective performance evaluation systems. "From a business standpoint, it becomes really challenging to monitor and implement. Because at some point we are going to have to talk about money."