City of Cincinnati Adopts Salary History Ban

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The city of Cincinnati adopted an ordinance prohibiting employers from asking about or relying on the prior salary history of prospective employees in setting starting pay. The salary history ban passed March 13, 2019 and goes into effect on March 13, 2020. It will apply to employers located within Cincinnati that have 15 or more employees within the City.

Under the ordinance, an employer may not:

- Inquire about an applicant's salary history;
- Screen job applicants based on their current or prior compensation or their 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 or retaliate against an applicant for not disclosing their salary history.

The ordinance does allow employers to ask whether applicants have expectations regarding salary and to ask applicants for prior productivity information, such as sales or revenue reports. It also requires employers to provide the pay scale for the position if an applicant who has received a conditional offer of employment asks for it.

Under the ordinance, applicants are given the right to bring a claim against an employer for alleged violation of the salary history ban within two years after the cause of action accrued. Employers may be liable for compensatory damages, reasonable attorney's fees and costs, and other equitable relief.

Cincinnati employers should review and update their hiring practices and employment applications to bring them into compliance with this new law.

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