



Consideration of Salary History Ordinance

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Supervising Compliance Officer



Office of Labor Standards Enforcement

Who's a Covered Employer?

All employers operating in San Francisco must comply with this law.

This includes City contractors operating in San Francisco.



Similar Laws

- The State of California has a salary ban law.
- Other salary history bans in many other states and cities throughout the country.
- Understand each law as they all might be similar but have different provisions.



Key Provisions

- Employers may not ask applicants about their current or past salary
- Employers may not disclose a current or former employee's salary history without that employee's written authorization unless the salary history is publicly available



Other things to keep in mind

- An applicant may choose to share salary history information voluntarily and without prompting. If the applicant does so, the employer may consider that information in determining the salary to offer that applicant.



Best Practices

- Ensure that all steps of the hiring process does not inquire about salary history such as the job application.
- Inform everyone involved in the hiring process about the requirements under the Consideration of Salary History Ordinance.
- If you are a City Contractor, make sure you subcontractors who work under you for the City contract in San Francisco comply with this law.





Frequently Asked Questions



Office of Labor Standards Enforcement

FAQ 1

Q:

Can I ask the applicant about their salary expectations?

A:

Yes.



FAQ 2

Q:

When I'm conducting reference checks for an applicant, can I ask the reference about salary information?

A:

No.



FAQ 3

Q:

If the applicant tells me that they are making “x” amount of money and sends me this information, is this OK?

A:

Yes.



FAQ 4

Q:

If I'm a small business, do I have to comply with this law?

A:

Yes. It doesn't matter what size you are, all businesses operating in San Francisco must comply with this law.



FAQ 5

Q:

If the applicant's salary information is on the internet or posted in a place where I can see, is it OK to use this information?

A:

If the information is publicly available, then yes.



FAQ 6

Q:

Can employers retaliate against job applicants who do not disclose salary history information?

A:

No, employers cannot retaliate against applicants for refusing to disclose salary history.



FAQ 7

Q:

Do employers have any notice requirements?

A:

Employers must post the Consideration of Salary History notice in a visible place and send a copy of the notice to each labor union. The notice must be posted in English, Spanish, Chinese, and any language spoken by at least 5% of the employees at the work location. To download a copy of Consideration of Salary History notice, visit: www.sfgov.org/olse/consideration-salaryhistory



FAQ 8

Q:

Can a company acquiring another company ask for incoming employees' salaries, and use that information to set the employees' salaries?

A:

Yes, a company merging with or acquiring another company can ask for incoming employees' salaries and use that information to set the employees' salaries.





Webpage Tour



Office of Labor Standards Enforcement



Consideration of Salary History

Overview

The Consideration of Salary History Ordinance bans employers, including City contractors and subcontractors, from considering current or past salary of an applicant in determining whether to hire the applicant or what salary to offer the applicant.

The ordinance also prohibits employers from (1) asking applicants about their current or past salary or (2) disclosing a current or former employee's salary history without that employee's authorization unless the salary history is publicly available.

Note that the State of California has also passed legislation prohibiting employers from asking applicants about their current or past salary. The statewide law took effect on January 1, 2018. See the text of [AB-168](#).

If you have questions about the San Francisco Consideration of Salary History Ordinance or wish to report a violation of the law, call (415) 554-6469 or email salaryhistory@sfgov.org.

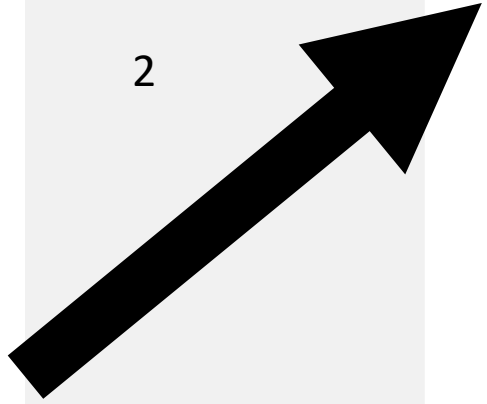
Statutory Authority

The San Francisco Board of Supervisors passed the Consideration of Salary History Ordinance on July 11, 2017.

- [Salary History, San Francisco Administrative Code, Chapter 12K](#)



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- Paid Sick Leave Ordinance
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- Paid Parental Leave Ordinance
- Fair Chance Ordinance
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- Formula Retail Employee Rights Ordinances
- Consideration of Salary History**
- Family Friendly Workplace Ordinance
- Worker Protections Ordinance
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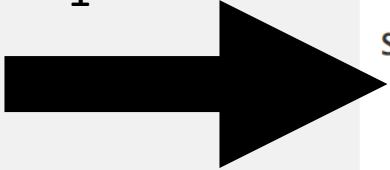
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- [Salary History, San Francisco Administrative Code, Chapter 12K](#)
- [San Francisco Police Code, Article 33J](#)

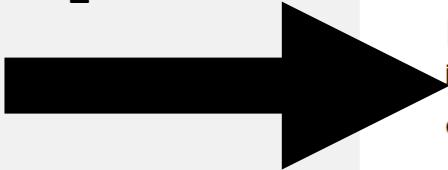
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Forms and Documents

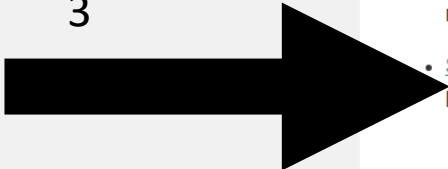
[Employer Consideration of Salary History Poster](#) - poster must be displayed at each workplace or job site. The poster is designed to be printed on 8.5" x 14" paper.

Consideration of Salary History Frequently Asked Questions [English](#) [Spanish](#) [Chinese](#) [Filipino](#)

Contact Us

- Please email salaryhistory@sfgov.org or call 554-6469 with any questions regarding your rights and responsibilities under the Salary History Ordinance.
- [Sign up](#) for email updates! Join the OLSE email list to receive periodic updates about San Francisco labor laws.

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