

Consideration of Salary History Ordinance FAQ

1. What does the Consideration of Salary History Ordinance do?

The Consideration of Salary Ordinance prohibits employers from asking job applicants about their past or current salaries and bars employers from disclosing current or former employees' salary history to an employer or potential employer without the employees' permission.

2. What if an employee job applicant voluntarily discloses their salary history?

The law does not prevent a job applicant from voluntarily and without prompting disclosing their salary history. If a job applicant does disclose their salary history, the employer can consider or rely on that information in hiring and deciding what salary to offer. Employers may not use a job applicant's salary history to justify paying employees of a different sex, race, or ethnicity less.

An employer can ask a job applicant about the applicant's salary expectations.

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

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

4. Do employers have any notice requirements?

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-salary-history

5. I think the employer asked me about my salary history and used it as a reason not to hire me or to offer me a lower salary.

If you believe your rights have been violated, contact the Office of Labor Standards and Enforcement (OLSE) at (415) 554-6469 or salaryhistory@sfgov.org.

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

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

For more information, visit www.sfgov.org/olse/consideration-salary-history or call (415) 554-6469.