

## EMPLOYMENT

# Suffolk County Bans Employers From Inquiring Into Applicants' Salary History

By Mordy Yankovich

Suffolk County Executive, Steve Bellone, signed the Restrict Information Regarding Salary and Earnings ("RISE") Act on Nov. 30, 2018, which amended the Suffolk County Human Rights Law to prohibit employers from asking job applicants about their salary history. The new law is effective on June 30, 2019. New York City, Albany County and Westchester County previously enacted similar legislation.

The legislative intent of the new law is to remedy gender-based pay discrimination in the workplace. The legislature relied on findings by the Department of Labor that women in Suffolk County earn 78.1 percent of what their male counterparts earn, compared to 86.8 percent statewide. Because of this disparity, the RISE Act was enacted to bridge the wage gap between male and female employees in Suffolk County.

The RISE Act restricts inquiries into an applicant's salary history (i.e. prior compensation or benefits) during the interview, via a written employment application or through external searches of publicly available records or reports. An employer may not rely on an applicant's salary history when determining whether to extend an offer to the applicant or when considering the wage or salary to offer an applicant.

The RISE Act does not apply to actions taken by an employer pursuant to any federal, state or local law which requires the disclosure or verification of salary for employment purposes. In addition, the RISE Act does not prevent an employer or employee from exercising any rights pursuant to a collective bargaining agreement.

Unlike the New York City law, the RISE Act does not include an exception to allow employers to verify and consider an applicant's salary history in the event the applicant voluntarily and without being prompted by the employer discloses his or her salary history. Absent future guidance from the Suffolk County Human Rights Commission, employers in Suffolk County should refrain from inquiring about or considering salary history even if an applicant offers the information voluntarily and without prompting.

Failure to comply with this new law can be costly to employers. Damages for violating the Suffolk County Human Rights Law include compensatory damages, maximum civil penalties in the amount of \$50,000 (\$100,000 for discriminatory acts found to be "willful, wanton or malicious") and statutory attorneys' fees.

Employers in Suffolk County, including

law firms, should, in consultation with an attorney, review their hiring procedures in advance of the effective date of the new law to ensure compliance with the RISE Act. Specifically, written employment applications should not include inquiries

into an applicant's salary history and hiring managers should refrain from asking questions to applicants related to the applicant's salary history or considering salary history in hiring decisions, even if voluntarily disclosed by the applicant.

*Note: Mordy Yankovich is a senior associate at Lieb at Law, P.C. practicing in the areas of Employment, Real Estate and Corporate Law. He can be reached at Mordy@liebatlaw.com.*



Mordy Yankovich

## FLORIDA ATTORNEY

THESE TOP NY LAWYERS RELY ON US FOR THEIR FLORIDA PERSONAL INJURY REFERRALS

Do You?

**Pazer, Epstein, Jaffe & Fein, PC**  
20 Vesey Street  
New York, NY 10007

**Tomao & Marangas**  
1225 Franklin Avenue  
Garden City, NY 11530

**Shayne, Dachs, Sauer & Dachs, LLP**  
114 Old Country Road  
Mineola, NY 11501

**Sales & Smith**  
68 South Service Road  
Melville, NY 11747

**Schmelkin Associates, P.C.**  
30 Vesey Street  
New York, NY 10007

**Elovich & Adell**  
164 W Park Ave  
Long Beach, NY 11561

**Joseph A. Romano, P.C.**  
1776 Eastchester Road  
Bronx, NY 10461

**Tantleff & Kreinces, LLP**  
170 Old Country Road  
Mineola, NY 11501

**Harold A. Shapiro, P.C.**  
320 Carleton Avenue  
Central Islip, NY 11722

**Lester B. Herzog, Esq.**  
1729 East 15th Street  
Brooklyn, NY 11229

**Freed & Lerner Esqs.**  
38 West 32nd Street  
New York, NY 10001

**Leav & Steinberg, LLP**  
75 Broad Street  
New York, NY 10004

**Gerald A. Garber, Esquire**  
75 Meadow Woods Road  
Great Neck, NY 11020

**Raskin & Kremins, LLP**  
160 Broadway  
New York, NY 10038

**Dansker & Aspromonte Associates**  
30 Vesey Street  
New York, NY 10007

**Joseph T. Mullen, Jr & Associates.**  
30 Vesey Street  
New York, NY 10007

**Lurie & Flatow PC**  
420 Lexington Avenue  
New York, NY 10170

**The Odierno Law Firm, P.C.**  
560 Broadhollow Road,  
Melville, NY 11747

**Friedman Sanchez, LLP**  
16 Court Street  
Brooklyn, NY 11241

**Sgarlato & Sgarlato, PLLC**  
1444 Clove Road  
Staten Island, NY 10301

**PARTICIPATION FEES ALWAYS PAID.**



### MIAMI

150 Alhambra Circle  
Suite 1100  
Coral Gables, FL 33134

**P: 305.895.5700**  
**F: 305.445.1169**



### RANDY C BOTWINICK

34 Years Experience



### PALM BEACH

2385 NW Executive Center Dr.  
Suite 100  
Boca Raton, FL 33431

**P: 561.995.5001**  
**F: 561.962.2710**

**FROM ORLANDO TO MIAMI.... FROM TAMPA TO THE KEYS....**

[www.personalinjurylawyer.ws](http://www.personalinjurylawyer.ws)