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Philadelphia Employers to be Prohibited from Inquiring About Wage History of Applicants

The Philadelphia City Council passed Bill No. 160840 known as the "Wage History Ordinance," on December 8th. If signed into law, the Ordinance will make it unlawful for an employer, employment agency or their agents "to inquire about a prospective employee's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosure of wage history, or retaliate against a prospective employee for failing to comply with any wage history inquiry or for otherwise opposing any act made unlawful by this Chapter." The ordinance bans prospective employers from using wage history in determining a prospective employee's wages, including the negotiations or drafting of any employment contract, unless the prospective employee "knowingly and willingly disclosed" his or her wage history.

There is an exception to any actions taken by an employer "pursuant to federal, state or local law that specifically authorizes the disclosure or verification of wage history for employment purposes." Examples of the exceptions are not defined in the bill.

The Wage History Ordinance was passed by City Council as an amendment to the Philadelphia Fair Practices Ordinance. The Philadelphia Commission on Human Relations would be responsible for enforcing the ordinance and investigating any complaints of violations filed by individual applicants or prospective employees.

The bill is pending Mayor Jim Kenney's signature. Once signed into law, the new ordinance is expected to become effective within four months or possibly Spring 2017.

Comment: As 2017 begins, employers should review their hiring policies and practices for any changes that should be made if the bill is signed in to law

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