COLUMBUS CHAMBER OF COMMERCE

EST. 1884

150 South Front Street Suite 220
Columbus, OH 43212

614.221.1321

City of Columbus Prohibits Asking Applicants Their Salary History

The City of Columbus joined a growing number of states and municipalities that have passed laws prohibiting employers from inquiring into a job applicant's salary history. The Columbus ordinance covers all employers located within the city that have 15 or more employees, and it applies to both the employer and its agents like job placement or referral agencies. The ordinance prohibits employers from asking an applicant about their salary history, asking the applicant's current or former employer, or conducting a search of publicly available records to obtain the applicant's salary history.

An "applicant" is a person applying for employment that will be performed within the city's geographic boundaries and whose application will be solicited, received, processed, or considered in whole or in part in Columbus.

Under the ordinance, it is an "unlawful discriminatory practice" for an employer to:

- Inquire about an applicant's salary history – meaning the applicant's current or prior wage, benefits, or other compensation;
- Screen applicants based on their current or prior wages, benefits, compensation, or salary history, including that an applicant's salary history meet minimum or maximum criteria;
- Rely solely on an applicant's salary history when deciding whether to extend an offer of employment or when deciding an applicant's salary, benefits, or other compensation; and
- Refuse to hire or otherwise disfavor, injure, or retaliate against an applicant who does not disclose his or her salary history.

Employers may still ask applicants about their salary, compensation, and benefits expectations. Employers also may inquire into objective measures of the applicant's productivity such as revenue, sales, or other production reports.

The ordinance's prohibitions do not apply if another federal, state, or local law specifically authorizes reliance on salary history to determine employee compensation for a particular position. Nor does the prohibitions apply to internal transfers or promotions with a current employer; to voluntary disclosures by the applicant; to positions for which salary or compensation are set by collective bargaining; or to applicants who are re-hired by an employer within three years after leaving the employer.

The ordinance takes effect on March 1, 2024. Once effective, failure to comply with its prohibitions permit an applicant to file an administrative complaint with the Columbus Community Relations Commission. An employer who violates the ordinance may be subject to civil penalties of $1,000 to $5,000.

Please note that compensation expectations may still be discussed with an applicant. Unlike other cities in Ohio with similar ordinances (Toledo and Cincinnati), employers operating in Columbus will not be required to share the position's pay scale with the applicants after a conditional employment offer is made.
The ordinance does not apply to:

- Actions taken by an employer under any federal, state or local law specifically authorizing reliance on salary history in establishing compensation;
- Internal transfers or promotions with a current employer;
- Voluntary compensation history disclosure by the applicant;
- Efforts by the employer to confirm the disclosure of non-salary-related information or conducting a background check; however, if such action results in the disclosure of salary history, it may not be the sole factor in determining any aspect of compensation during the hiring process and/or contract negotiations;
- Re-hires that occur within three years of the applicant's most recent date of termination by the employer, assuming the employer has prior knowledge of past compensation details;
- Collective bargaining positions for which compensation is determined by established procedures; and
- Federal, state, and local government employers, other than the City of Columbus.

Employers with operations and employees in Columbus are encouraged to review internal hiring and interviewing policies and identify changes that need to be enacted prior to the March 1, 2024 effective date.