



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N. Y. 10007

EXECUTIVE ORDER No. 21

November 4, 2016

RESTRICTION ON INQUIRIES REGARDING PAY HISTORY

WHEREAS, the City of New York is committed to the promotion of pay equity in its employment practices; and

WHEREAS, disparities in pay for comparable work performed by members of different genders or racial groups persist throughout our country, and may be inadvertently replicated by premature inquiries into pay history or by reliance upon on pay history in the calculation of wage or salary offers to applicants for employment;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered that:

Section 1. City agencies shall not make any inquiry regarding the pay history of an applicant for employment with such agencies except as provided by this Order. For purposes of this Order, an “inquiry” means any question or statement communicated to an applicant or an applicant’s prior employer in writing or otherwise for the purpose of obtaining an applicant’s pay history, or any searches of publicly available records conducted for the purpose of obtaining an applicant’s pay history. For purposes of this Order, “pay history” includes the applicant’s prior wage, salary, benefits or other compensation.

§ 2. Agencies may only inquire into the pay history of an applicant for employment after

extending a conditional offer of employment that includes wage or salary to the applicant.

§ 3. An applicant for employment shall not be required to respond to any inquiry that violates this Order and any refusal to respond to such inquiry shall not disqualify an applicant from the prospective employment.

§ 4. An inquiry about pay history may only be made for purposes of verifying an applicant's representations regarding his or her prior employment. Agencies may not rely on an applicant's pay history in calculating the wage or salary to be offered to the applicant upon employment with the City.

§ 5. The Department of Citywide Administrative Services' Human Capital Division shall provide training for Agency Personnel Officers on the appropriate manner in which to ask about the pay history of applicants who have received conditional offers. Such Personnel Officers shall train their Agency Human Resources staff.

§ 6. The Department of Citywide Administrative Services' Human Capital Division may conduct periodic reviews to ensure that Agency practices comply with this Order and collect relevant data for its reviews.

§ 7. This Order shall not be construed to create any substantive rights.

§ 8. This Order shall take effect in 30 days.

  
Bill de Blasio  
Mayor