

THE  
NATIONAL LAW REVIEW

---

## Delaware Bans Compensation History Inquiries

---

Sunday, August 6, 2017

On June 14, 2017, Delaware Governor John Carney signed [into law](#) a bill that amends Delaware’s Code relating to unlawful employment practices to prohibit employers from (i) engaging in salary-based screening of prospective employees where prior compensation must satisfy certain minimum or maximum criteria or (ii) seeking the compensation history of a prospective employee from the prospective employee or a current or former employer (the “Law”). Under the Law, “compensation” is defined broadly to include wages, benefits, or other compensation.

Similar to the [New York City salary history ban](#), employers are not prohibited from discussing and negotiating salary expectations, so long as employers avoid asking for a prospective employee’s compensation history. Additionally, after an employment offer has been made and accepted, and compensation terms have been extended and accepted, the Law allows for the confirmation of a prospective employee’s compensation history. Any such compensation confirmation must be authorized by the employee in writing.

The Law adds to a growing wave of bans on compensation history inquiries. Similar restrictions have been enacted in [Massachusetts](#) (eff. July 1, 2018), Oregon (eff. October 9, 2017) and Puerto Rico (eff. March 8, 2018), as well as in New York City (eff. October 31, 2017), Philadelphia, and most recently, San Francisco (eff. July 1, 2018). [Philadelphia’s pay history ban](#) was supposed to take effect May 23, 2017, but the City delayed its enforcement in light of a [legal challenge](#) by the Chamber of Commerce for Greater Philadelphia. The law is not yet being enforced by the City.

© 2019 Epstein Becker & Green, P.C. All rights reserved.

**Source URL:** <https://www.natlawreview.com/article/delaware-bans-compensation-history-inquiries>



EPSTEIN  
BECKER  
GREEN

Article By  
[Nancy L. Gunzenhauser Popper](#)  
[Judah L. Rosenblatt](#)  
[Epstein Becker & Green, P.C.](#)  
[Financial Services Employment Law, Labor  
& Employment  
Delaware](#)