

THE
NATIONAL LAW REVIEW

Illinois Next to Prohibit Salary History Inquiries?

Monday, August 21, 2017

The Illinois state legislature passed [House Bill \(HB\) 2462](#) which would prevent employers from inquiring about a job applicant's salary history and lower the burden on employees claiming equal pay violations. The Bill now awaits Governor Bruce Rauner's signature.

HB 2462, which seeks to amend the Illinois Equal Pay Act of 2003, prohibits employers from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary; and (iv) requiring an employee to sign a contract or waiver that would prohibit the employee from disclosing or discussing information about the employee's wages. Employers also would be prohibited from seeking salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer. HB2462 also lowers the burden on employees claiming equal pay violations by replacing the requirement that an employee prove that the jobs being performed require "equal skill, effort, and responsibility" with a "substantially similar" standard.

Illinois HB 2462 is one of a growing number of state and local jurisdictions to attempt to close the pay gap by restricting employers from obtaining salary history information or using that information to set salary. Delaware, [Massachusetts](#), New York City, Oregon, [Philadelphia](#), [Puerto Rico](#) and [San Francisco](#) have passed similar laws, and a number of other jurisdictions, including [California](#), North Carolina, and Pennsylvania, have proposed similar bills.

With no slowdown of this trend in sight, employers should review their employment application forms and hiring and pay practices and begin to educate recruiters and managers on how to comply with pay history prohibitions. Illinois employers also should review any confidentiality agreements that they may use to ensure the language of those agreements cannot be interpreted to prohibit an employee from discussing his or her wages.

Jackson Lewis P.C. © 2019

Source URL: <https://www.natlawreview.com/article/illinois-next-to-prohibit-salary-history-inquiries>

The logo for Jackson Lewis, featuring the words "jackson lewis" in a bold, lowercase, sans-serif font. The "j" and "l" are significantly larger than the other letters, and the "w" is also large. The logo is set against a light gray background.

Article By [Stephania C. Sanon](#)
[K. Joy Chin](#)[Jeffrey L. Rudd](#)
[Jackson Lewis P.C. Pay Equity Advisor](#)

[Labor & Employment](#)
[Illinois](#)