

# Illinois Governor Vetoes Bill That Would Prohibit Employer Inquiry Into Wage History



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On August 25, 2017, Illinois Governor Bruce Rauner vetoed a bill that would prohibit employers from asking applicants about their wage histories. The bill, known as the Illinois No Salary History Law, previously had been passed by the Illinois House and Senate with overwhelming bipartisan support (91-24 in the House and 35-18 in the Senate). The House and Senate may still vote to override the Governor's veto, and would only need one more vote in the Senate to do so (a veto override requires 71 votes in the House and 36 votes in the Senate).

This bill is one of the latest to be considered as part of a growing patchwork of salary history inquiry laws around the country. Similar laws, aimed at combatting gender-based disparities in pay, have been passed in [New York City](#), San Francisco, [Oregon](#), [Philadelphia](#), [Massachusetts](#), Delaware and Puerto Rico, with other jurisdictions also considering similar bills. The laws all share the common restriction against requesting salary history (with limited exceptions) during the hiring process, but have some notable differences. For example:

- The Illinois bill would establish a private right of action. The Oregon law allows employees to file an action in court. Other laws, such as Philadelphia's law, require applicants to file complaints with administrative agencies.
- The New York City and San Francisco laws permit employers to discuss salary *expectations* of an applicant (without requesting information relating to past

compensation), while others, like the Illinois bill, do not explicitly permit this.

- The Oregon law permits a discussion of salary history *after* an offer of employment that includes compensation terms has been made. Other state and local laws do not permit this.

Employers should be aware that this issue is percolating and we will continue to monitor advancements in this area, both in Illinois and nationwide.

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