

# Labor & Employment Law Alert: Governor Cuomo Signs Salary History Ban and Equal Pay Amendments into Law

On July 10, 2019, Governor Cuomo signed into law two bills amending the New York State Labor Law. As explained in our previous [alert](#), the salary history ban passed by the New York State Legislature earlier this summer prohibits New York employers from requesting that job applicants or current employees provide wage or salary history as either a condition of employment or to be considered for a promotion. The salary history ban will take effect on January 6, 2020.

Governor Cuomo also signed into law a bill amending equal pay protections. The equal pay amendments contain two important changes. First, they expand current legal protections to require equal pay for “substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions.” Previously, equal pay was only required for “equal work.” This change will make it easier for employees to maintain wage discrimination claims based on comparisons between different job classifications. However, differing wages for substantially similar work are permissible when based on seniority, merit and quantity or quality of production. Also, employers may still rely on bona fide factors such as education, training, or experience to defend against unequal pay claims, provided that such factors are job-related, consistent with a business necessity and do not have a disparate impact on protected classes of workers.

Second, the equal pay protections now extend beyond just discrimination based on sex to encompass an expansive group of protected classes, including age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status. Interns are also considered a protected class covered by equal pay protections.

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