

**State Rules Register Alert**  
January 9, 2018

## **California Salary History Disclosure**

The law, A.B. 168, is rather straight forward.

- It is in [Section 432.3](#) of the California Labor Code.
- It applies to all employers, private and public. There is no exclusion for small employers.
- Salaries that are publicly available, e.g., some government positions are exempt.
- Applicant may request the pay scale range for the position they are applying for which the employer must produce. Comment: The law is not limited to formal pay scales so this applies if employer is "thinking" of hiring someone for a salary between X and Y. The employer must disclose X and Y.
- **Big issue:** An employer may not: "orally or in writing, personally or through an agent, seek salary history information, including compensation and benefits, about an applicant for employment". This prohibition is absolute - no post offer, post-employment inquiry is allowed as well.
- Voluntary disclosure by applicant can be considered. Comment: Voluntary disclosures are problematic because an applicant can always allege that the employer requested the information.

Since the law specifically prohibits an employer from obtaining salary history through an agent, obviously, a CRA cannot ask about salary when verifying past employment for a California employer. The CRA will just confirm that employment was verified through documentation presented by the applicant, but not the salary or benefits. The important task is to verify employment.

This law became effective January 1, 2018.

Best Regards  
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