

New York Governor Kicks Off U.S. Women’s Soccer Team’s Ticker-Tape Parade with Equal Pay Legislation

Article By:

Stacey A. Bastone

On the heels of the U.S. Women’s Soccer Team’s World Cup win, Governor Andrew Cuomo on July 10, 2019, signed into law two bills that expand New York’s existing equal pay laws.

In enacting two of the [three equal pay bills passed](#) by the New York Legislature, New York join other states in expanding the bases for compensation discrimination claims and restricting salary history inquiries. (E.g., [Colorado Enacts Comprehensive Equal Pay Law](#) and [Alabama Passes New Pay Equity Act](#).)

New York’s S. S5248A prohibits unequal pay on the basis of all protected characteristics, not just gender. Under New York law, this includes, age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic victim status. The new law also expands the potential comparators under the law by prohibiting compensation discrimination among employees who are engaging in substantially similar work, when viewed as a composite of skill, effort, and responsibility and performed under similar working conditions.

S. S6549 prohibits employers from relying on the wage or salary history of an applicant in determining whether to offer the applicant employment or in determining the wages or salary of such individual. It also prevents employers from orally or in writing requesting salary history of an applicant or employee in determining whether to offer employment or the amount of salary to be offered. There is also a provision prohibiting employers from retaliating against applicants or employees because they refused to provide salary history or filed a complaint with the New York Department of Labor.

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