

Delaware Follows Suit, Joins Number of Jurisdictions Banning Salary History Inquiries

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On June 14, 2017, Delaware's governor signed a measure enacting a pay history inquiry ban similar to those enacted recently in [Massachusetts](#), [New York City](#), [Philadelphia](#), and [Puerto Rico](#). Specifically, Title 19 of the Delaware Code, relating to unlawful employment practices, has been amended to now make it unlawful to (1) screen applicants based on their compensation histories, including by requiring that an applicant's prior compensation satisfy minimum or maximum criteria; or (2) seek the compensation history of an applicant from the applicant or a current or former employer.

Delaware employers are not prohibited from discussing and negotiating compensation expectations provided that the employer does not request or require the applicant's compensation history. Also, employers are not prohibited from seeking an applicant's compensation history after an offer of employment with terms of compensation has been extended to the applicant and accepted, for the sole purpose of confirming the applicant's compensation history.

Employers that violate the law "shall be subject to a civil penalty of not less than \$1,000 nor more than \$5,000 for the first offense and not less than \$5,000 nor more than \$10,000 for each subsequent violation."

Delaware's pay history inquiry ban will take effect six months after its enactment, on Thursday, December 14, 2017.

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